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International Court of Justice

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OFFICIAL TRANSCRIPT OF THE INTERNATIONAL MILITARY TRIBUNAL IN THE MATTER OF THE UNITED STATES OF AMERICA, THE FRENCH REPUBLIC, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, AND THE UNION OF SOVIET SOCIALIST REPUBLICS AGAINST HERMANN WILHELM GOERING ET AL, DEFENDANTS, SITTING AT NURNBERG, GERMANY, ON 13 AUGUST 1946, 1000-1700, LORD JUSTICE LAWRENCE PRESIDING.

THE PRESIDENT: The Tribunal will sit in closed session tomorrow afternoon at 2;00 o'clock. That is to say, it will not sit in open session after 1:00 o'clock tomorrow.

Mr. Barrington, had you finished ?

MR. BARRINGTON: Yes, My Lord.

THE PRESIDENT: Are there any other Chief Prosecutors who want to cross examine ? Then, Dr. Boehm, do you wish to re-examine ?

DR. BOEHM (Counsel for the S.A.): Mr. President, I should like to ask a few brief questions on the cross-examination yesterday.

REDIRECT EXAMINATION

BY DR. BOEHM:

Q Witness, will you please answer these questions as briefly as possible. Do you know the basic formula which prevailed in the SA, namely, equal rights to everyone ?

A Yes, I know this formula. It was taught at the school.

Q Is it true that the higher position of the SA men mentioned yesterday meant nothing except the respect held for him in the community for his achievements in the Third Reich ?

A The SA man was always for order and discipline and to keep the rules and legal descriptions.

Q Is the privileged position mentioned yesterday anything different from the respect of the SA man for the political soldier ?

A The SA man had no privileges. He could obtain no privileged rank in view of his official capacity, but other-

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wise he was subordinate to all legal responsibility.

Q You mentioned that the SA man was not, on principle, armed. He had an SA dagger. From Sturmfuehrer on, he had firearms for which he needed a license like every German who wanted to carry firearms.

A Yes.

Q Now, within the SA, within the circle of persons in question here, was there a right for the individual to use this pistol against other members of the State?

A No, the SA man who carried a weapon, just like any other citizen, had to know that he could use it only in emergencies for his own defense.

Q Under Article 10 it was read yesterday that the high position of the SA man must not be reduced by Einsatz Groups.

A If the SA man was under special obligation he had to have a special form of right. But never--that was repeatedly emphasized--could he overstep the existing laws.

Q Article 18 says especially that the SA man may use weapons that were entrusted with him in executive of his work and for legal self-protection. Does this not say that the SA man, like every other German citizen, had to obey the existing rules concerning the carrying of weapons?

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A. I have already said so once. The SA man was subject to the existing rules. That is shown by the fact that he needed a police license and his use of the weapon was limited.

Q. Was it not true that the SA man, because he was in the SA and because more was demanded from him than from any other citizen, that he would receive more severe punishment in connection with an offense committed with his weapon?

A. An order was in existence that the SA man, when he was on trial, was to be punished especially severely or special standards are to be employed if he committed any offense.

Q. From the service regulations of the 12th of September 1933, it was read yesterday that all violations of discipline were to be punished. Does that not mean that violations of discipline were punished by the Gruppen SA leadership and that order was the principle?

A. The leaders and the schools worked to see to it that every SA man stayed within the legal limits. In addition, we had strict orders that the SA man, if he had committed any offense in his civil life, that he had to be reported and that a report was made to us by the judicial authorities and then the person in question was given disciplinary punishment.

Q. According to the document which was shown to you yesterday, of the 8th of December 1933, on page 33, No. 6, it says "Right is what aids the movement; wrong is what harms it." Did this mean anything more that the English say "Right or wrong, it is my Fatherland".

A. As I interpreted, it means that the man has rights in the framework of his duties and that if he does wrong, if he moves outside of legality he harms his Fatherland.

Q. The training directives were shown to you. They were on page 7 and on page 9. Now, I ask it -- it mentions "sports" and so forth; was anything done in the Olympic games except what is mentioned here? Did not the athletes march into the stadium in order which was made possible only by exercise? Did they not shoot, drill; did they not carry on sports, all the forms of sports which are listed here?

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THE PRESIDENT: Don't you think this is really more argument than examination? We have had this argument as to whether or not it was for sport of whether or not for military purposes over and over again. We have got to make up our minds about it. It doesn't help very much to have it put in again in redirect examination.

DR. BOEHM: Yes, Mr. President. I would not have asked this question if the witness had not been referred to the fact that the last of the exercises in these training directives -- I should like to point out that the other exercises also which are listed here, were carried out in the Olympics. I hardly believe that this involves a military or militaristic attitude. Then I should like to point out one thing to the witness or ask one question.

BY DR. BOEHM:

Q. You did not answer my previous question. Were not the same exercises or similar ones carried out in the Olympics?

A. I was interrupted by the President. I, myself, was present at the Olympics and I know the individual forms of sport well. We carried out all the drills in such a way that we could appear in public in a disciplined fashion like all sport organizations. Because we were later to carry on these big battle exercises, we took discipline from the Olympics. These were talked and practiced by us. We shot; we had the obstacle race and we used all these disciplines in our training.

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Q On page eight of the training directives, which were submitted to you yesterday, it says that in the drill --- this would be the only one which resembles military training --- the training has to start with the greatest efforts. After practice of the basic movement applied drill tests are to be set, as they occur in drill movement, resulting from training movements necessary in political assignment. From the wording of these instructions, did you think of military training or militaristic training when it was a question of drill within the SA?

A For us the drill and the training of the men in the individual as well as closed formations was always for the purpose that in a public appearance a unified picture might be presented.

DR. BOEHM : I have no more questions to put to the witness.

THE PRESIDENT : The witness can retire.

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DR. BOEHM : I should like to call the next witness, Schaefer.

WERNER AUGUST MAX SCHAEFER, a witness, took the stand and testified as follows :

BY THE PRESIDENT :

Q Will you state your full name please.

A Schaefer.

Q Is that your full name?

A Werner August Max Schaefer.

Q Will you repeat this oath after me :

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT : You may sit down.

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DIRECT EXAMINATION

BY DR. BOEHM :

Q Witness, what are you by profession?

A I am the Regierung Director in the Reich Penal.

Q Were you a member of the NSDAP or any of its branches?

A Since 1938 I have been a member of the party.

Q Were you a member of the SA?

A Since 1932 I have been a member of the SA; as an Oberfuehrer since 1938.

Q The witness Reimund Geist said in an affidavit that a thousand local assembly places of the SA were used as sites for arrests. Do you know anything about that and is any such statement true?

A As for the number of a thousand local assembly places, I know knothing.

Q Would anything be known to you if these places had existed in that number?

A If they had existed in that number, I would certainly have known of them; in fact, a few of those places did exist but shortly after the consolidation of circumstances, they were dissolved or taken over by the Gestapo and administered by the Gestapo.

Q Is it true that in connection with these arrest places, I am of the opinion that they were an emergency measure in the period of 1933?

A Yes, it was definitely an emergency measure. At the time we were in a state of latent divil war in Germany. It was therefore necessary for opponents to be arrested in order to carry out what the Fuehrer had ordered. --- the non-bloody execution of the revolution.

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Q Is it true that extensive supplies of weapons, extensive signs of weapons gave occasion for arrest in order to avoid chaotic circumstances in 1933, which would have come about if these weapons had not been confiscated?

A. Yes. A large number of such weapons were found. It was not unknown to us that a large part of our active opponents were willing to use these weapons in order to bring about these chaotic circumstances.

Q Can one say that the SA in the activity which it accied on at that time in confiscationg the weapons was fulfilling an assignment of the State?

A Yes. The Prussian Minister, Goering, had ordered this. He used the SA as an auxilliary police.

Q Dr. Diehls says in an affidavit that it was his task to prevent the transfer of the political police into the SA and to follow up many complaints about illegal actions by the SA, since some SA fuehrers appointed as police presidents from July to November, 1933, had allowed lawless circumstances to arise. What do you have to say about this statement of Dr. Diehls?

A As far as I recall--and I remember it very well-- Diehls was in a friendly relationship with the SA Chief of Staff Roehm and also in a friendly relationship with the chief of the Berlin-Brandenburg Group, Ernst. Therefore, I cannot understand his attitude that he considered it his main task as chief of the Gestapo to follow up any complaints which were received against the SA. I should like to say that it was precisely in order that the undisciplined elements which could damage the movement and the SA were kept from doing so within the SA by a special staff headed by the Gestapo; and it was Gruppenfuehrer Ernst who at that time and in his own unit in the concentration camp at Oranienburg arrested such undisciplined elements. It was, therefore, not a task of the head of the Gestapo to operate against undisciplined elements of the SA or the movement; but these tasks were quite clearly on another level. This limited the very excessive activity and especially limited it to Berlin.

Q What was the attitude of Count Helldorf to this statement, Count Helldorf who was removed by Hitler in June, 1934?

A I know Helldorf from the activity of the SA Fuehrer in Berlin. Shortly after the seizure of Paris, he was for a short time in the Prussian Ministry of the Interior and was then police president in Pottsdam; and as such the police president, Count Helldorf, did everything necessary in order to insure an orderly police institution. For this purpose he employed old, reliable police officials. He was my superior in this capacity. As to the concentration camp, Oranienburg, I must state that frequently in Oraneinburg. He made surprise visits and inspected the measures which had been ordered. He was known to me as a man who advocated the absolute maintenance of discipline.

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Q I show you Diehls' statement, which says that the SA formetions entered prisons, stole prisoners, took away files, and established themselves in the buildings of the police. Is that true? Did such circumstances ever exist?

A I cannot recall such circumstances. They should have been known to me, for I was frequently in Berlin; and I must say that I did not learn of any such thing. Later I should have had to hear something about it when I became an official in the Penal Execution Administration of the Reich. The Berlin colleagues would certainly have reported such events to me afterwards. This was not done. We were at that time Commandant of Oranienburg and were in Berlin almost every day, together with the men of the police or of the Gestapo. Even if I was not in Berlin every day, I was there quite frequently so that it certainly would not have escaped my notice.

Q Is Diehls' assertion true that it was his task in order to avoid mass murders to get the SA into the hands of the states? In his affidavit for the SA he says that fifty people were the victims of the revolution in Berlin. Is this true?

A This statement of Diehls' is doubtless not true. I can say that it in no way corresponded to the ideology of the SA to remove political opponents through mass murder. As Diehls himself says in his affidavit, he gives the figure of fifty victims in Berlin. This figure proves what I say. One must not forget that a large part of the political opponents of yesterday were now marching with the SA. If such an intention had existed at all to remove the political opponents by mass murder, the execution of this intention would have found the greatest resistance in the SA itself; and I may say frankly here that what Diehls asserts was in no way true.

Q Is it true that Diehls' position became untenable as a result of constant conflict with the SA? He says that in his affidavit for the Gestapo; but he says that he must admit that he was the Regierungs President of Hannover and Cologne.

A I know nothing about such a deterioration of relations between Diehls and the SA leadership. I do not believe that that is true as he said. For a few years later, I found him in very close relationship to the Chief of Staff Lutze; and on a later trip to the Emms district, he was in a very friendly relationship to the Chief of Staff Lutze and the fact that he was Regierungspresident in Cologne

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and especially the fact that he was Regierungspresident with the Chief of Staff Lutze in Hannover contradict this statement, according to which he had difficulties with the SA.

Q As Diehls said, did the SA generally confiscate property of peaceful citizens? He says in his affidavit for the SA that the staff of Ernst and the intelligence section set up participated primarily in the revolutionary activity.

A As for the looting of so-called peaceful citizens by the SA, I know nothing. If some cases occurred which probably cannot be denied, I should like to say that the generalization of these individual cases does not agree with the truth. There is no justification here to generalize individual cases which doubtless occurred. One must not forget that such individual cases were absolutely possible. I may recall that the brown shirt, which the SA man had to buy himself could be found in all the stores in Berlin and in the whole Reich; and I learned personally of a number of cases where obscure elements who did not belong to the SA or to the movement which was established later got the opportunity to commit illegal actions under the protection of the party uniform. This finally led to the party uniforms having to be put under legal protection.

Q You know that Diehls was Gestapo chief in 1933 and 1934; and if one reads that the SA took the property away from peaceful citizens, the question arises whether he tries to transfer Gestapo customs to the SA.

A I must say that this assertion of Diehls surprises me greatly. As I have said, he was at that time in very close relationship to the leaders of the SA. I cannot see how he comes to make this assertion.

Q He speaks about forty thousand prisoners in concentration camps in about forty illegal camps. Can you say how many concentration camps actually existed at this time?

A I do not have any statistical material; but I should like to attempt to investigate this figure of forty thousand internees, and particularly the number of forty camps which Diehls mentioned. During 1933 the circumstances arose that Oranienburg, Berlin, and Brandenburg were the only camps for political opponents. A few of the camps which had existed were dissolved. There could not have been many prisoners in them, for they were transferred to Oranienburg. There was only a very small number of prisoners.

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If one considers that Oranienburg did not have even a thousand internees at the most, and considers that this camp was for a district of over 6 million people, if one considers further that Berlin was the center of the political opponents of the NSDAP and had an extraordinarily large proportion of active political opponents, then I cannot imagine the number of 40,000 internees. The number of 40 camps I do not know at all. I never heard anything about this number, not even from Diehls with whom I was personally very friendly, and I should have known of this figure.

Q Diehls speaks of approximately 40,000 prisoners. Could you give an approximate figure which might be more correct?

A That is extremely difficult to say. I should like to say that the Christmas amnesty ordered by Prime Minister Goering at that time --- and I shoul like to emphasize this particularly --- was carried out on a very generous scale This Christmas amnesty permits a certain conclusion. Then, in all of Prussia, 5,000 --- I recall this figure --- internees were dismissed from the existing camps. Oranienburg, for instance, which as I said was the only recognized and state controlled camp for Berlin and Brandenburg, reduced the number of prisoners to a little more than 100. Over two-thirds of the camp were released at that time.

Q You were commandant in Oranienburg?

A Yes.

Q From when to when?

A From March 1933 to March 1934.

Q This camp was guarded by SA men?

A Yes.

Q From when to when?

A From March 1933 to June or July 1934, I believe.

Q And to whose orders were these men subject?

A These SA men were members of the auxiliary police. As such they were under my direct orders as commandant.

Q And to whom were you subordinate as camp commandant?

A As camp commandant I was subordinate to the Regierungspresident competent for Oranienburg, who was located in Potsdam, Police President Count

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Helldorf, and, of course, the Prussian Minister of the Interior.

Q And what influence did the Fuehrer of the Gruppe Berlin-Brandenburg have on the concentration camp Oranienburg?

A The Fuehrer of the Gruppe Berlin-Brandenburg had no influence on the camp itself, and on the conduct and the administration of the concentration camp he had no influence.

Q Could one assume that individual actions were carried out by him which meant terror measures of the SA?

A I did not learn of them.

Q Do you know the number of persons interned in the so-called unauthorized camps who were released?

A No, I do not know the number, but I may say that there were only a small number of such camps and a small number of internees in them, for I have already explained that to me, to Oranienburg the only camp in existence then, only a few internees were transferred. A large part had already been released.

Q Do you have any knowledge of the fact that there were 50,000 internees in the rest of Germany?

A No, I have no reason to believe that, but I should like to say that in relation to the figure of internees in Prussia, which was given before, the number of 50,000 is absolutely incredible. Prussia was physically the largest part of Germany, and if there were few internees there in proportion, I cannot imagine that in the rest of the Reich there were 50,000. I do not know this figure.

Q What do you know about cooperation with the Gestapo in the beginning?

A At the beginning, the Gestapo had only loose connection with Oranienburg. It had only official connections arising from the relation of the police to the auxiliary police, the SA. In the course of the year, persons who had been arrested were sent there, and at the direction of the Prussian Minister of the Interior these prisoners were released when their cases had been reviewed.

Q Were there difficulties between the concentration camp Oranienburg and the Gestapo in Berlin?

A Originally no, but then, through an incident, difficulties arose which I would not like to conceal at this point. Two internees were sent in by the

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Gestapo from Berlin in a severely mistreated condition. On the next day, I went to see the Standartenfuehrer Schutzewechsler who was my superior, and asked him to apply to the Gestapo in Prinz Albrecht Strasse with me, and to demand an explanation which I would then make the subject of a report to the Prussian Ministry of the Interior.

I was promised this explanation, and the next day I was called up on the telephone by Standartenfuehrer Schutzewechsler, and he told me that he had just learned that the concentration camp Oranienburg was to be dissolved immediately; I was to come to Berlin; he wanted to go to the Prussian Ministry of the Interior with me to investigate why the dissolution of the camp had been ordered so suddenly.

We went to the Prussian Ministry of the Interior together and learned to our great astonishment that after our protest on the previous day at Prinz Albrecht Strasse, the Prussian Ministry of the Interior had been called up and informed that in viewof these cases of mistreatment -- referring to these two cases which I myself was trying to clear up -- it had become necessary to dissolve Oranienburg. The suggestion of Prinz Albrecht Strasse was that all the prisoners of Oranienburg were to be put in new camps built by the SS in the Emms district.

When I told State Secretary Krauet of the circumstances and gave him the necessary explanations, what had induced me on the previous day to protest at Prinz Albrecht Strasse, he promised me to have the circumstances investigated thoroughly, and he did it immediately. In my presence he told Ministerial-dirigent Fischer to carry on the investigation of the affair. Fischer was known as a thoroughly correct and reliable old official, and Fischer then actually found that the things were as I had described them to Krauet. It was established clearly that these cases of mistreatment which had been charged against Oranienburg had occured in the Gestapo in Berlin. Then the camp was not dissolved.

Q Do you know of cases when the Gestapo had to penetrate by force into SA camps to liberate prisoners?

A No, I did not know of such cases.

Q You did not experience them in Oranienburg?

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A. No.

Q Did the Gestapo have influence on the release of internees or, in your opinion, to whom are the releases which took place primarily due?

A Various sources were responsible for the release of prisoners: first, the competent Regierungspresidente and Landrate etc who, on the basis of the constant claims of the relatives of internees, knew the circumstances exactly. The camp itself, and I as commandant of the camp, had an important part in the release of internees. After investigation in some of the cases, I made suggestions for release, but I must say that above all it was Prime Minister Goering himself who at the time had great interest in seeing to it that the Oranienburg camp should not be stuffed full of prisoners, but that as many as possible should be released.

I recall a speech of Diehls, which he made on the occasion of the Christmas amnesty, in which he said that Prime Minister Goering had urged the Fuehrer that at Christmas very extensive ---

THE PRESIDENT (Interposing): Dr. Boehm, the Tribunal is not trying this witness. It is trying the criminality of the SA. This is far too detailed about the release of prisoners. He seems not to have got further than 1933 up to the present.

BY DR. BOEHM:

Q I should like to ask one more question. On Christmas 1933, how many people were still there?

A A little more than 100.

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Q Did you ever have any personal differences with Mr. Diehls?

A No, not at all. On the contrary. In 1934, when I wrote abook about Oranienburg, he offered his services to write the introduction for this book; and he always praised the camp.

Q Are you familiar with the testimony of Ministerialdirektor Hans Fritzsche?

A In part, yes.

Q Is it true, as he says, that the first commandant of Oranienburg who was there from March, 1933 to 1934, was sentenced to death? It is evident that was you, isn't it?

A That is best evidenced by the fact that I am here. Of course it isn't true.

Q Is it true, as the journalist Stolzenberg himself reports, that an investigation of mistreatment which took place in Oranienburg, was carried out?

A I recall only two such official investigations -- the cases which I mentioned before. Namely, the case of the Gestapo and the Seger case. Official investigations were conducted.

Q What were the results of the investigations?

A In the case of the Gestapo, it was learned that the cases of mistreatment which were charged against us, had actually occurred in the Gestapo in Berlin, and in the Seger case, it was proved that Seger had made statements contrary to the truth.

Q Is it true that further torture took place, as Fritzsche says, which he learned from individuals in the Gestapo or the SS?

A I, myself, was much opposed to mistreatment and torture, and my guards thoroughly knew my attitude, but, moreover, the inmates of the camp also knew it.

Q Is it true, as Fritzsche says, that the 30th of June, 1934, meant a purge, to the extent that Gauleiters and SA Fuehrers who had misused their power were removed?

A In connection with the concentration camp complex, I cannot share this opinion.

Q The former Reichstag delegate SPD Seger wrote a book on Oranienburg. Do you know it?

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A Yes. Seger sent me this book himself.

Q Do you know that Seger submitted this book to the Ministry of Justice for prosecution of the complaints which he makes?

A I know that too.

Q And what did the Ministry of Justice do?

A The competent prosecutor for the locality of Seger's former residence questioned me thoroughly. A thorough investigation was carried out, with the result that, as far as I can recall, the Reichsgericht (Reichs Court) in Leipzig stopped the proceedings.

Q Do you know that Seger accused you of murder?

A Yes, I know that.

Q Was this case cleared up?

A This is Seger's accusation -- that I had been responsible for the shooting of two internees. This case was thoroughly cleared up -- so clearly, that when this book was read to the internees in the camp, on my orders, one person who had been reported shot by Seger, stood up and reported that he was alive and well, while the other one was already with his family; had already been released; that it was purely disproved by the two men who were supposed to have been shot.

Q The statement of fact as given by Seger must be called a lie then?

A That is quite true.

Q Is it true that it says in your book that the prisoners made use of their right of secret ballot according to the Weimar Constitution?

A That is also true. On the occasion of the plebiscite, on the further participation of Germany in the League of Nations, the prisoners participated in the election under the legal rules, as laid down in the Weimar Constitution.

THE PRESIDENT: Dr. Boehm, I have already pointed out to you that we think this might get a little to something more important. We are still dealing with 1933 or the beginning of 1934, in the Camp Oranienburg.

DR. BOEHM: Mr. President, this SA is charged only with the Camp Oranienburg, and actually the SA had Oranienburg only from March, 1933, to March, 1934. It was not possible --

THE PRESIDENT: That we understand, that this witness tells us that the camp was administered in a perfectly satisfactory and proper condition, and we

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don't desire details of every day during 1933 and 1934.

DR. BOEHM: I expected the book of Seger would be submitted in cross examination. Perhaps the Tribunal will be interested that this book --

THE PRESIDENT: Dr. Boehm, if it is submitted in cross examination, the witness will then be able to answer questions which are put upon the book. It isn't necessary for you to anticipate possible cross examination.

DR. BOEHM: Very well. May I continue? Is the assertion of Seger true that Gauleiter Loeber of Dessau visited you in Oranienburg, and slapped you?

WITNESS SCHAEFER: No, that is not true. I never saw Gauleiter Loeber. I never knew him. Loeber was never in Oranienburg and I never met him on any other occasion either. There was never any altercation between us.

Q Your attitude was that the false reports abroad on Oranienburg were intended to poison relations between peoples -- can you confirm this attitude by facts?

A When articles appeared abroad on Oranienburg, for instance, I always received an enormous number of threatening letters, from which I had to see th the false reports which were given on Oranienburg, had led to the situation tha perfect strangers whom I did not know, and who did not know me now felt it necessary --

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THE PRESIDENT: What you are speaking of now -- when did these articles appear, and when did you receive threatening letters?

THE WITNESS: '33, '34.

THE PRESIDENT: Those appeared there, and you received those letters here

THE WITNESS: Yes.

BY DR. BOEHM:

Q To whose orders were the guards at the concentration camp Oranienburg subject?

A They were under my orders as SA Fuehrer.

Q And to whom was Oranienburg itself subordinate?

A As I have already said,it was under the Regierungspresident, that is, the superior of theRegierungspresident, the Prussian Ministry of the Interior. The SA was called upon for service within the SA auxiliary police and the State. In thiscase, the Prussian Ministry of the Interior used the SA Gruppe and the SA brigade and Standarte. My SA Fuehrer was also an auxiliary policeman, and thus the orders reached me through these channels from above. For discipline, I was under the SA, and for state measures, I was directly subordinate to the State.

Q You told the Commissioner that you received the order for the establishment of this camp from theSA Standarte. How is that true?

A That was according to the channels which I have just given. The State SA Gruppe Standarte Fuehrer is the man responsible for the use of the auxiliary police, and so, through him, from the State, I received the assignment to establish the camp.

Q How many persons were brought to the Oranienburg camp? What persons?

A First, of course, active opponents were sent to the Oranienburg Camp. Then there were elements of the movement and the SA, who through conduct contrary to discipline, had made this necessary. For this purpose there was a special section in Oranienburg, and informers, who acting for their own personal advantage, had informed on political opponents, were also placed under arrest. And then there were a small group of people who did sympathize with the NSDAP, that could have caused foreign political difficulti through extraterritoriality. I remember the leader of the Russian National

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Socialists in Berlin, who had to be arrested in Oranienburg because he was causing political difficulties. He had to be taken out of public life for a short time.

Q Can one say that from the circles that were just mentioned, any uprising was to be expected against the existing government?

A Yes, that was proved by the weapons which were found in the course of time. These were very extensive supplies of weapons which were found in a very good --

THE PRESIDENT: We had this already today, about the confiscation of weapons.

DR. BOEHM: No.

THE PRESIDENT: I have written it down myself. I heard it.

DR. BOEHM: I don't want to have it repeated, Mr. President. In times of revolution, of course, members of the SA and the NSDAP made raids. How do you explain that?

WITNESS SCHAEFER: It was, in the first place, a group of political hot heads, who in such a time of revolution, of course, went far beyond the measure in the goal set for them, but as I have already said clearly, there were obscure elements who were uncontrolled, perhaps uncontrollably within the SA and within the party, because they were uncontrolled from outisde. These elements, of course, had the best opportunity to commit punishable actions at the time of their seizure of power, but may I make emphasis that we did everything possible to take strict stepswhenever such occurrences were reported to us. The party formed its own corps for this purpose, which was known for a fact that without consideration of persons or position, it took action.

Q What was the basis of arrests in concentration camps?

A The Protective Custody Order was always responsible.

Q By whom was this order issued?

A The political police, of the Kreis police orders, issued these orders.

Q For what work were the people in the concentration camps employed?

A They were used for work for the concentration camp itself, regarding internal administration, and then also for agricultural work.

Q Did you, as the commandant, receive complaints from prisoners about improper treatment ?

A I recall that I personally did not receive any complains.

Q When you learned of improper conditions, did you do anything about them?

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A. Through my constant contact with the internees I always stayed in the camp a very long time. I occasionally learned of improper conditions, and I can give the assurance here that I did everything possible to remove such conditions as soon as I had learned of them.

Q. In the time during which this camp was guarded by SA members were there any executions?

A. No. Q. Were there any machines for torture or the extermination of human beings while you were commandant?

A. No.

Q. Who was in charge of guarding the camp after you?

A. After me the SA had it a few months, about two months, and then the SS took Oranienburg over.

Q. And did you, as the first Commandant of the camp, have anything to say about that?

A. Thecamp was taken over not because of any inadequacies or improper conditions, but after the 30th of June the SS was to direct these concentration camps. The Reichsfuehrer SS Himmler took over the concentration camps and administered them with his men. The SA in 1934 was completely eliminated from the concentration camps.

Q. I should like to ask, did you have occasion on the basis of any illegal actions, to take action against the men?

A. Of course they were punished. If the offenses seemed more important, I was obligated to report them to the responsible agency -- that is, the state. I proceeded against two Sturmbannfuehrers and one Sturmfuehrer who were assigned to me. I had to make such reports about them. These three men were immediately removed from their positions and they were put on trial.

Q. Did you yourself inflict punishments, and what --

THE PRESIDENT: Wasn't this gone into before the Commission?

DR. BOEHM: In part, Mr. President.

THE PRESIDENT: You are dealing with the case of three officers at the moment. Either it was gone into before the Commission or it was not.

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DR. BOEHM: It was mentioned before the Commission, Mr. President. What was to be added today was the question whether SA men, not only these three officers, but SA men, were punished and dismissed.

THE PRESIDENT: Then you can pass on from the three officers.

BY DR. BOEHM:

Q. Is it true that in addition to these officers of whom you spoke before the Commission, SA men were also dismissed who were connected with this matter?

A. Yes, that is true.

Q. Is it true that because of the direction of the camp you yourself were under or subject to the punishment of the Ministry of Justice?

A. In 1934 I was taken over by the Ministry of Justice. I took over the Emms installations as commander. I became director of a penal institution in the course of a year.

Q. In thisconnection it may be necessary to investigate -- what do you understand by "SA auxiliary police"?

A. The SA auxiliary police was, as the name says, an auxiliary organ of the police. So that the revolution might be carried out without bloodshed it was necessary that conditions might be supervised. Since the police forces available were not adequate, the state made use of a comparatively small number of SA men whose previous lives had to be without reproach. Old and experienced police officials inaugurated them into their duties, and then they carried on their service together with the police. But this was only a temporary measure.

Q. As what did you as Commandant of Camp Oranienburg see your task?

A. It was my task primarily to direct the camp as ordered, correct the measures which were taken, and to guard the internees.

SIR DAVID MAXWELL-FYFE: My Lord, I interfere with the greatest possible reluctance with Dr. Boehm's examination, but I cannot think that he has appreciated the instruction which Your Lordship has repeated to defense counsel on several occasions during the last week.

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My Lord, this witness gave evidence before the Commission, which I have in front of me. This morning Dr. Boehm is going into these matters in far greater detail than they were gone into before the Commission. As I understood the order of the Tribunal, it was that counsel should not repeat what was gone into before the Commission, but should select the important points and deal with them and give your Lordship and the Tribunal an opportunity for judging the witness and seeing his merit and capabilities.

My Lord, I do ask, very respectfully, that some limit should be put on this very extended examination in controversion of the Tribunal's ruling.

THE PRESIDENT: Nor, Dr. Boehm, unless you observe the orderes of the Tribunal in this matter the Tribunal will have to stop the examination of this witness. You must consider that.

The Tribunal will now adjourn, in the hope that after the adjournment you will observe the orders. Otherwise, as I say, we will stop the examination of this witness.

(A recess was taken)

DR. BOEHM: Mr. President, at the suggestion of the High Tribunal according to which witnesses are to be heard upon topics which were not discussed before the Commission, I took this suggestion to heart, but the questionnaire which was submitted to the witness has been extended a little bit for the points Seger had discussed, and just at the very last minute we learned that the witness Diehls had deposed an affidavit to the same matter which this witness had to depose on, too. At the time when this witness was before the Commission, the questionaire and the affidavit deposed by Diehls were still unknown at the time.

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THE PRESIDENT: There was no objection about his being examined about the affidavit. That was not dealt with in the Commission before. We do not want you to go over all the details which were gone over before the Commission.

DR. BOEHM: I have perhaps ten more questions to put to the witness, Mr. President. I shall ask the witness to be as brief as possible.

BY DR. BOEHM:

Q During your capacity as Commandant of Oranienburg, was there any supervision on the part of the State concerning this camp?

A Yes. The Camp of Oranienburg was supervised by the President at Potsdam, Police President Count Helldorf and high officials of the Prussian Ministry of the Interior.

Q Did the Kreispolice authority have any right to supervise?

A Yes.

Q Did they actually control and check?

A Frequently, checks and very thorough ones did take place.

Q Did foreigners and prominent personalities have an opportunity to inspect Camp Oranienburg? Did they have an opportunity to visit it and to talk with the inmates?

A In the largest sense of the word visits of that kind did take place at Oranienburg. Those who participated were the Foreign Press, the Home Press and private citizens who were politically interested. That is so abroad. Then a larger number had an opportunity to talk with them quite freely and openly inside the camp and at the work places of the inmates.

Q Is it correct that on the occasion of these visits you would show only what you were told to show, and that you would conceal everything else?

A That is correct. That was put to me and thereupon I saw to it that those concerned could open the doors which they wished to open in Oranienburg. There was nothing to hide. There was nothing to be concealed. The people concerned could form their own opinion, their own judgment. They had the opportunity to do so.

Q Please tell us, briefly, about food and quarters in this camp.

A The accommodations of the inmates were very good. That is evidenced by the increased weight of the inmates. Apart from that everything was done

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which was necessary or required to keep the inmates in condition in line with human dignity. They even had their own canteen where their daily needs could be met.

Q Now, just a few questions about the penal camps in Emmsland. How did these camps arise, Strafgefangenen Lager?

A In 1933 there existed an over-crowding in the penal institutions of Germany. This was caused to a large part through the large social need which was prevalent in Germany at that time. It was particularly the wish of the Minister President Goering, at that time, that inmates partake in the large cultivation projects along the Emms. The SS was charged with setting up certain mammoth camps so that the inmates could be collected for their cultivating work, but this generous Christmas amnesty declared by the Minister President made this problem problematical and the possibility was made that from now on, criminals could be brought into these camps. That di take place.

Q Did the highest SS leadership have the power to command camps in the Emmsland?

A No. That was a camp put up by the state. It was completely under the Reich Ministry of Justice.

Q Previously, you mentioned that these camps were concerned with purely criminal elements. Is that correct?

A Yes.

Q I should like to now put a final quedstion to you. How many SA men were used in the concentration camp at Oranienburg for supervisory purposes and to work for the German Police?

A At the beginning when the camp was first erected, perhaps 30 to 40; at the height of activity, perhaps 90.

Q Can you tell me who, from the beginning, furnished the supervisory personnel, the guards?

A A far as I know, Dachau was a pure SS Camp. SA was never active in Dachau.

DR. BOEHM: Mr. President, for the present I have no more questions to put to this witness.

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CROSS EXAMINATION

BY MR. BARRINGTON:

Q Witness, you probably know it already, but if you do not, you may take it from me that in the last eight months this Tribunal has heard a great deal of evidence about concentration camps. Do you deny, now, that even in 1933 concentration camps were regarded throughout Germany with terror?

A Mr. Prosecutor, I did not quite follow the question. I do not quite understand it.

Q I will state it again. Do you deny that even in 1933 concentration camps were regarded by people throughout Germany with terror?

A Of course, those who are arrested in each case will connect a personal horror therewith for the taking away of freedom. That forces him to make a statement like that. There was no reason at all, at that time, to be afraid of internment.

Q You have spoken, this morning, about the Reichstag deputy, Mr. Jarnot Seger. He wrote a book on the Oranienburg concentration camp. I am not going to that book, but do you remember that the title of it was "A Nation Terrorized"? "A National Terrorized." Do you remember that title?

A No, Mr. Prosecutor.

Q Do you consider that that was a reasonable title to give a book on Oranienburg?

A No.

Q Would it have been a reasonable title to give about the concentration camps at Wubbethal or Hohenstein?

A I cannot make any statements in that connection. I never knew Wubbethal, and as far as Hohenstein is concerned, I know only this much -- that there the sharpest steps were undertaken when abuses were discovered and later on I learned that the leading men of the concentration camp Hohenstein were punished with penitentiary sentences and so forth.

Q You know, too, those severe penalties were reduced in the most serious cases to about half the sentence? Don't you know that?

A No. That is unknown to me.

Q You know that the number of people who were sentenced in Hohenstein was

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25 and that the official report about it said that they were not all who took part in the excesses, but only the most prominent ones? Did you know that?

A I do not know the particulars. I know only that at that time severe steps were taken.

Q And did you know at that time about the atrocities which were going on in Wuhlethal and in Hohenstein? You knew about it at that time, did you not?

A No.

Q You knew that those camps, or at any rate you know now that those camps were run by the SA? Is that right?

A No. I did not know that either.

Q You did not know they were run by the SA?

A No. I did not know that.

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Q. Witness, I want you to look at a document -- which is 787-PS, My Lord, in Book 16-a, at Page 16. That is a letter written by Dr. Guertner, the Reich Minister of Justice, to Hitler, and he describes at the beginning of the letter the mistreatment of prisoners in Hohenstein, including torture by a drip apparatus. If you look towards the end of the letter -- I should think it is about ten lines from the end -- you will see they are talking about the principal SA offender, one Vogl -- "By his actions he supported the convicted SA leaders and men in their needs."

That shows that Hoehnstein atrocities were done by SA men, does it not

A. Mr. Prosecutor of course in the period of one brief minute it is not possible for me to read a document which is five pages long. I should like to explain in this connection only that I learned afterwards that energetic and severe measures were taken against the SA men and against the SA leaders who had perpetrated crimes there. I should also like to point to the fact that while Minister Dr. Guertner himself was the one who took me over into his penal institution, he did not make general those things which he set forth as an isolated case in his letter to the Fuehrer.

We are concerned here with single and isolated cases, which, of course were sentenced accordingly in each case.

Q. Witness, if you say you do not know what went on in Hohenstein and Wubbethal at that time, let me ask you this. You knew Guertner fairly well. Did you not ?

A. Yes.

Q. You knew Kerl fairly well, did you not ?

A. Yes.

Q. Kerl was Lutze's uncle, was he not ?

A. (No response).

Q. Wasn't Kerl Lutze's uncle ?

A. I know that there was some connection of relationship. However, I do not know what that was.

Q. And he was a very fervent Nazi, too, was he not -- Kerl ?

A. Oh, yes.

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Q. Did you not talk with him about these concentration camps, these other concentration camps ? You were the commandant of the first concentration ca at Oranienburg. Didn't you talk to him about the others that were springing up, the other concentration camps ?

A. No.

Q. Did you talk to Guertner about them ?

A. There was no reason for that, either.

I should like to explain in this connection that it was just the Pruss Minister of Justice, Kerl, who, after numerous visits to Oranienburg, select me on the basis of the fact that Oranienburg seemed to be cleanly headed, an at that time he used me as the commandant for that post.

Q. We will come to that in a minute. I am suggesting to you now that it was just because of the interest that Kerl took in you, and he did in fact appoint you to your position with the Strafgefangenenlager, later. It was just because of that I am suggesting you might have talked the whole problem out with him. Did you or did you not ?

A. Only in so far as it applied to the camp Oranienburg.

Q. I see.

A. I remember --

Q. Did you talk to Count Helldorf, the Police President, about the genera problem of concentration camps ?

A. Only in so far as it concerned Oranienburg. In this case, however, extensively.

Q. I see. Now you say that none of these terrors and atrocities went on Oranienburg; is that right ?

A. Yes.

Q. Now, I have here an affidavit which Rudolf Diehls has sworn this mornin since you started your evidence, and I will read a little of it to you, and you can tell me if it is true or not.

MR. BARRINGTON: My Lord, this is Document 976; it becomes GB 595.

BY MR. BARRINGTON:

Q. Rudolf Diehls says :

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"I received from various individuals, various complaints about ill-treatments by SA men in concentration camps. I learned that SA guards had badly ill-treated the following persons in the concentration camp Oranienbur : Mr. Ebert, son of the former Reichspresident, Ernst Heilmann, the leader of the Prussian Social Democrats, the Reichstag President, Paul Loewe and the Oberpraesident Lubaschek."

Then he goes on to say :"I myself have gained confirmation of these ill-treatments on the occasion of an inspection tour through the Camp Oranie burg . At that time the commandant was SA Leader Schaefer. For a short time, conditions improved after my interference; then they deteriorated aga I myself did not succeed in removing Schaefer, since he was backed by the SA leadership."

Is that true or is it not ? Did you men ill-treat Mr. Ebert, Mr, Heil man, Paul Loewe, and Lubaschek ? Did they ill-treat them or did they not ?

A. May I please be permitted to give an explanation in this connection ?

Q. Say yes or no.

A. (No response)

Q. Kindly give an explanation.

A. I cannot give an explanation in this form. Mr. Loewe was never an inmate of Oranienburg; Mr. Lubaschek, to my knowledge, never was an inmate at Oranienburg. Here Mr. Diehls is decisively mistaken. It is true, however, that the son of the Reich President, Ebert, was an inmate, and it is al true that Mr. Heilmann was an inmate there. But in this connection, I shoul like to explain that both of those gentlemen. Ebert as well as Heilmann, were mistreated by other inmates

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after they had been brought in; and I personally saw to it that they were taken from that circle of inmates who had abused them, and that they were segregated.

Ebert himself was dismissed very soon; that is, after a few weeks of his interment. He and Heilmann did not complain to me personally about the mistreatment, the abuses given by co-inmates. Those are things that I heard, and I took steps immediately to prevent those things from happening again.

Q You said before the Commission, witness, that it was your endeavor in the Oranienburg Concentration Camp to try to give the inmates a life consistent with human dignity. Do you remember saying that to the Commissioner, "a life consistent with human dignity?" And is that the kind of life you gave to Ebert and Heilmann?

A (No response).

Q I presume the answer is yes, is it not?

A Mr. Prosecutor, I cannot answer this question as simply as you want me to. I did not give an explanation just now according to which Heilmann or Ebert might have been subjected to conditions inconsistent with human dignity. I remember having said that they were not submitted to further mistreatment by other inmates.

Q I did not ask you what you said just now; I asked you what you said before the Commission. And you said before the Commission that you endeavored to give the inmates a "life consistent with human dignity", did you not ?

A Yes, of course.

Q Do you remember saying it or not?

A Yes, indeed.

Q Did you give Heilmann and Ebert a life consistent with human dignity ?

A Yes, indeed.

Q You did ?

A I never kept anything from them which might not have

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had any connection with human dignity. They, of course, led a life like the life any other inmate would have to lead in a camp of that sort--

Q Yes, but you said--

A And it may be quite understandable, Mr. Prosecutor.

Q You know that this was supposed to be a camp for prominent persons in considerable numbers, according to your own evidence, and you said that you wanted to give them all a life of human dignity. But let us not waste any time on this. Let me show you your own book.

MR. BARRINGTON: My Lord, that is 2824-PS, and it is United States Exhibit 423. That is the book written by the witness, entitled "Oranienburg Concentration Camp", published in 1934.

BY MR. BARRINGTON:

Q I want you to look first of all, witness at Page 123.

A Yes, I have the page.

Q Now, that is a page where you were writing in rather a sarcastic vein about the people who came into the camps. Do you see the very short passage where you say--and I think this sums up perhaps your whole attitude as to the object of your camp: "The moment had at last come when our old SA men could refresh the memory of some of these provocateurs who had been especially in the foreground politically". Do you see that?

A (No response.)

Q Well, the translation may not be exactly as it comes in your book; but do you see the passage? It is marked between brackets.

A Yes, I have found this passage.

Q Well, what do you mean by your old SA men refreshing the memories of some of these provocateurs? I thought you said just now that it was the other inmates of the concentration camps who refreshed their memory. It is your own SA men, is it not, who refreshed the memory of Ebert and Heilmann?

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A (No response.)

Q Well, you wrote it, you know ? Let me refresh your memory a bit. Turn to Page 173.

MR. BARRINGTON: My Lord, I am sorry that these passages have not been translated. I only had them looked up this morning.

THE PRESIDENT: You ought to let him answer the other question you put to him on Page 123.

MR. BARRINGTON: I beg your Lordship's pardon. I did not realize he wanted to say something.

BY MR. BARRINGTON:

Q Witness, you wanted to say something on the passage on Page 123. Will you?

A Yes, yes. This sentence, Mr. Prosecutor, is taken out of context. In order to understand this sentence quite clearly, one would have to read the entire paragraph. The way it is taken out of its context--and please understand me, correctly -- in your sense--that is in the sense of the Prosecution, of course--

Q Well, give the Tribunal briefly the sense of the context. Tell us what the sense of the context is.

A Of course, Mr. Prosecutor, I cannot tell you about the whole chapter after you submitted this one sentence to me. But I should like to tell you one thing, that when I spoke of conditions consistent with human dignity, I meant that to be completely unambiguous, and that the sentence which is taken out of context does not prove the opposite.

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Q Well, I will leave that passage then. Will you now tu: to page --

THE PRESIDENT: What do you mean, what is the context, what is the context from which it is torn? What do you mean by "refreshing their memories"?

A If it please the High Tribunal, perhaps for my own purposes, I would like to re-read some of these matters which I do not completely recall in this book. In order to answer this question, I will have to read over a little bit, then I can give you an answer.

THE PRESIDENT: You are saying, are you not, you don't know what you mean by "refreshing their memories"?

A Yes.

Q Let me help you a little by referring you to another passage not very far away from that. Just turn to Page 25, Page 25, and you see a passage in between brackets there. "Rarely have I seen such marvelous educators as my old SA men, some of whom were themselves of proletarian origin and took on with extraordinary devotion these communist swashbucklers who acted in a particularly insolent manner." Isn't refreshing the memory of the provocateurs the same thing really as the education -- the marvelous education which your old SA men gave to them? What is the education, if you don't know what you mean by "refreshing their memories", what did you mean by "marvelous education?" What did you mean by "marvelous educatio:

A Mr. Prosecutor, what you wish me to say, that is something I can feel. You wish for me to tell that I should explain that mistreatment actually did take place. I imagine I understand you correctly, but in this connection --

THE PRESIDENT: Answer the question, please. The question is: What did you mean by the education that you last spoke of?

A An education -- well, through a personal example. Now, an education through mistreating or similar exercises --

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Q Look back again to Page 23, and you will see another passage in brackets. "To conceal --" Page 23, have you got it?

A Yes.

Q To the effect, "To conceal the fact that some of the prisoners had not been treated too gently, meanwhile, would be stupid as well as completely impossible to understand; impossible to understand insofar as such treatment was in accordance with an urgent necessity." What was the urgent necessity of not treating the prisoners too gently? Are you going to say it was purely disciplinary treatment? It is the same page as the first bracket I read, you know, from the same page as "refreshing their memory". Well, I will leave that passage and turn now to page 173.

A In this connection, I should very much like to give you an answer, Mr. Prosecutor. Here in this book I wrote quite freely and openly about matters, and I do not wish to deny there were very few isolated cases that it was necessary when an inmate who acted in a certain way, would have to be treated accordingly; and I have no reason to conceal now, and I do not do it in my book either, that people who made noise, of course, were treated accordingly in order to bring back order.

Q You were writing a book in some spirit of exultation to a nazified Germany in 1934, weren't you? Turn to page 173--

A In this connection, I should like to explain also --

THE PRESIDENT: The Tribunal would like to know how you treated them. You said in certain cases inmates had to be treated accordingly. "Accordingly" meaning, I suppose, not too gently, is that what you meant?

A My Lord, the question can be answered this way: If an inmate received brutality, and there were cases like that, if he believed it was justifiable brutality, it was my duty to call attention to the fact with emphasis that he did not have the right to do so at that moment.

Q Tell the Tribunal what it was -- be brief, but tell the Tribunal what you have, particularly have against Ebert and

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Heilmann. What was your complaint against them that needed treatment?

A Ebert and Heilmann did not receive any special treatment, in the sense, for we had no reason whatever for it to treat them specially, and they were not treated specially as I have already explained, but --

Q Go on.

A Both of them were treated in a normal fashion, and neither one of them can say that they were treated differently than any of them. I know nothing differently.

Q Let's see what the normal fashion was. Turn to Page 173. Have you got Page 173, read the part in brackets?

A Yes, indeed.

Q I will read the translation: "And then next day, in fatigue dress, Ebert with a shovel and Heilmann with a broom, ready for work in the forecourt of the camp. Nothing was as beneficial to the prisoners in the camp as the sight of their prominent personages as they went to work the same way. They were put on a par with them." That is what you call the same treatment, the normal treatment, was it?

A Mr. Prosecutor, as an inmate of the camp, in order to save his own clothing, he received fatigue clothing. Trousers and coat, each one received that; and we did not give any exception to Heilmann and Ebert. Apart from that as far as I remember today, both of them asked for participate in manual labor, and a request which was granted them.

Q You know, I suppose, that Heilmann eventually died a cripple in a concentration camp, don't you?

A No, no, I don't know that.

Q You and your SA men created and operated at Oranienbur as a result of orders issued originally by Goering, did you not, as Minister of the Interior for Prussia? That is where your orders came from, through SA channels?

A Yes, yes.

Q And you have told the Tribunal that the SA who were

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looking after the camp under you were put there under the orders of the police, and that they, in fact, became deputy policemen for the purpose, is that your evidence?

A Yes.

Q Tell me this. Why do you suppose that Goering chose SA men to do this job? Was it because the ordinary police would not do it?

A No, Mr. Prosecutor. A little bit ago I stated that the police forces at our disposal were not sufficient in order to secure both matters set down by the Fuehrer in the carrying through of a non-bloody revolution; and for this purpose, the Prussian Ministry of the Interior used the selected SA men for the auxiliary police.

Q Supposing that the ordinary police had been sufficient are you telling the Tribunal that if the ordinary police had been used in this concentration camp at Oranienburg, Rubbetal, and Hohenstein, are you telling the Tribunal that these excesses would have occurred if the ordinary police would have run them? Would you even had these isolated incidents that you talked about if the ordinary police would have run them?

A In Oranienburg, Mr. Prosecutor, beginning from the first day onward, there were police officers housed at Rubbetal. I don't know, but I should like to say, that no SA men or leader who participated in an isolated case in excess did that because of orders, on the strength of orders, but rather he did it of himself, but with no command, no order protected him, and his action did not protect him from punishment which was meted out to him.

Q I express to you, Witness, the SA were chosen to run Oranienburg for the very simple reason that the SA alone could be relied on by the Movement to run it on sufficiently brutal lines. Do you agree, or don't you?

A No, I cannot agree with you on that.

Q If you have forgotten what Goering thought about the

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ordinary police at that time, let me read you a short passage from a speech he made on the third of March, 1933, which must have been just exactly about the same time that he gave the order to found Oranienburg Camp.

MR BARRINGTON: My Lord, it is document 1856-PS; it is in document book 16 A at page 28 amd it is USA 437.

Q (Continuing) Now this is what Goering said just at the time that he was ordering Oranienburg to be started by you. He said:

"Fellow Germans, my measures will not be crippled by any judicial thinkin My measures will not be crippled by any bureaucracy. Here I don't have to give justice; my mission is only to destroy and exterminate, nothing more. This str gle I shall not conduct with the power of any police; a bourgeois state might have done that. Certainly I shall use the power of the state and the police to the utmost, my dear Communists, so you won't draw any false conclusions. But t struggle to the death, in which my fist will grasp your necks, I shall lead wi those down there--those are the Brown Shirts."

Did you ever hear or read that speech at any time? It doesn't look as if Goering thought much of the ordinary police when he ordered Oranienburg to be started, does it?

Are you telling the Tribunal that after that speech Goering intended to cr a camp which would be mild and humane and just, as you tried to describe in you evidence?

A I do not know this speech, Mr. Prosecutor, but I can see here that it wa given on the 3rd of March, or it was allegedly given on that date.

At that time the Camp Oranienburg was not in existence and had not been pla ned.

Q It came into existence the same month.

A The end of March, yes.

Q Now, witness, I put it to you that the truth about Oranienburg is this, a sentence:

When you first established Oranienburg Concentration Camp it was an ordinar brutal, SA Concentration camp, but that late in the summer of 1933 you decided to use it as a show camp to demonstrate to foreign countries how mild and just the concentration camp system was. Is that right or wrong?

A No, Mr. Prosecutor, that is not true; it is not true in any way. Today, under the present circumstances, it would hold the most weight if I said publicl that I would call as witnesses here the first inmates who were under my leader-

ship at that time; that is, I could call them to show that I was not ready to create a model camp only for the purposes of outward appearences. A decent runni of a camp like that was an inner need for me. I should like to ask you to take cognizance of the fact that this is not a phrase dictated to me by reason, Mr. Prosecutor, but rather it is a matter of my innermost feelings.

I should like to say the following as well.

I came through a political struggle, which was very serious in Germany. It w not unknown to me that through the creation of the prototype of a martyr one's own position isnot strengthened, Therefore, in a logical manner, I could not in any way be interested in the establishing of martyrs, and I was not interested i that.

Q Now, didn't you write your book as part of this idea of having a show cam to convince foreigners? Isn't that part of the idea of your book? It was written to convince foreigners any way, was it not? You said so to the Commissioner, you know.

A Quite true; quite true. I beg your pardon, but I should like to complete explanation. I said at that time just what I am saying now.

This book was written by me deliberately to refute the lying reports abroa and I cannot call them anything else-- to refute them as a matter of duty. That, in my opinion, was my right, a right which I wanted to have for myself.

Q Who commissioned you to write this book? Was it Goering? Did Goering sugg that you should write this book?

A In all frankness I can say that no one charged me to write this book.

Q Did you consult Goering?

A No. I believe that Mr. Goering, perhaps, is seeing me for the very first time today; and I am seeing him for the first time at this distance, We never discussed these matters with each other.

Q Did you consult the Prussian Ministry of Justice when you wrote your book?

A No. I have already stated unambiguously, Mr Prosecutor, that I did not discuss this book with a third party in any way, but rather, that I wrote it when a terrific number of these newspaper reports had been submitted to me, and that, fo my own self, I wanted to justify Oranienburg and I felt myself obligated to put that forth.

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Q Now tell me about these newspapers reports. Were they adverse criticisms of Oranienburg only, or of other camps? Was Oranienburg the only one they criticized? Perhaps it was.

A These articles? I did not quite get the first part of your question, Mr. Prosecutor.

Q You told us that you had many articles in the press which were adverse and which required refuting. Were they adverse to Oranienburg only, or other camps?

A As far as I defined my attitude in my book, naturally I only concerned myself with those articles which dealt with Oranienburg; I could not know anything about other camps.

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Q I did not ask you that. Were there any other articles about other camps? Did you see any articles about other camps?

A I do not recall that. I received only those articles which concerned Oranienburg.

Q Who sent them to you then? Goering?

A They came from all sorts of people, from various strata of the population and also from foreigners who were interested in having me take notice of their press abroad.

Q Well now, one of the articles was written in the Times newspaper, the English paper, was it not? And you reproduced it in your book. The article was very adverse to Oranienburg.

MR. ELLINGTON: My Lord, there are extracts from that article in document book 10-A, at page 31, and it is document number 3-2824-A-PS.

Q (Continuing) I just want to point out to you two or three short extracts, because I am going to suggest to you that they were perfectly true--this is at page 110 in your book, I think:

"We got to Oranienburg concentration camp. We had to stand fallen in at attention for over three hours. Anyone who tried to sit down was beaten. Each of us got a small mug of coffee and a piece of black bread, our first food that day."

Then, a bit further on:

"Prominent prisoners were beaten more often than the others, but everyone got his full share of blows."

And a little further on:

"They also sometimes rubbed black shoe polish into the prisoners all over, and checked up next day to see if it had all been washed off."

And further on again:

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"Most of the prisoners were not allowed to mention the blows they had received, but every night we could hear their cries. Those who were released had to sign two papers, a white one which stated that the treatment in the campwas good, and a blue one."

Now that article also mentioned, among the well known prisoners, a Dr. Levy. Is that correct? Do you remember Dr. Levy?

A Yes.

Q And in your book, after publishing this Times article, you published a letter from Dr. Levy to the Times on the 25th of September, 1933-- that was about six days after the article-- in which Dr. Levy denied that there were any atrocities at Oranienburg. Can you find that letter.

A Yes.

Q That letter of Dr. Levy's was written in Potsdam, was it not? It says "Potsdam" underneath the envelope,

Q Yes I can see that in the book it says "Potsdam",

A Yes I can see that in the book says "Potsdam", the 25th of September. But now I ask your permission to explain something, if, respectfully,

As to this article which you read in extenso just now about the welfare of certain Jewish people from Berlin who were taken to Concentration from Walsig, here we are concerned with criminal elements, which the Jewish community had gotten itself rid of; and they had put those boys in a special educational home.

This entire article is absolutely incorrect.

Q What has that got to do with Dr. Levy? I said, was Dr. Levy's letter written from Potsdam? Are you telling the Tribunal that that letter was written voluntarily, or did you get it out of him by threats? you would have gotten it out of him by threats easily, could you not? You could, couldn't you?

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A Mr. Prosecutor, may I ask you to listen to the end of my explanation. I will concern myself with Dr. Levy immediately. Dr. Levy was the one -- and I can make this assurance in all openness before the public, who at that time personally had himself announced to me and asked that I see to it that these boys, who were not behaving themselves in a good way at all, be segregated. Dr. Levy was a well-known prosecutor who at that time had been interned in Oranienburg. Then, long after his being sent in, he was dismissed. I personally remember that Dr. Levy, before he left Oranienburg, left me in a most hearty manner and, I can say, in a very cordial manner. I am not at all of the impression and of the opinion that this article or this letter to me which appeared in The Times, that he was in any way forced to write it at Potsdam. On the contrary, I should like to assume that Dr. Levy, therefore, put "Potsdam" under it. I received this article from England, and I rather suspect that he put "potsdam" on the letter in order to differentiate, for the name of Levy was not known in Germany at that time. Perhaps in that way he wished to express that here a Dr. Levy from Potsdam was concerned. I cannot figure out any other explanation and I am of the firm conviction that it would be possible, even today, to question Dr. Levy. At that time he was in the prime of life and I am sure he is still alive today, and we might be able to summon him and hear him on this question. But I do not believe at any time that Dr. Levy was forced to write an article like that. More than that, I should like to say, if you suppose that this were so, Mr. Prosecutor, who would have forced the Times to print this report if it was not of the opinion --

Q I am not going to argue with you about that. My suggestion is perfectly clear, that Dr. Levy's letter was a transparent attempt on your part to refute the Times article, which you know to be true. We won't argue that any more. You evidently disagree. But you will agree to this, won't you, that Dr. Seger seems to have agreed with the Times article in his book, doesn't he ? In his book, "A Nation Terrorized", he seems to be very much of the same idea as the Times article? Look at another letter in your book now --

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A Mr. Prosecutor, I should like to give you an answer in this case too. The book written by Seger is not called, "A Nation Terrorized," but rather it is called "Oranienburg". I should like to call your attention to that fact. And I should like to say this, Mr. Seger perjured himself deliberately as well when, at the beginning of this book, he put the oath, which is customary before German courts and would have to be pursued in every case. As is well known --

Q I understand what your position is on that and I am sure the Tribunal does too, but just look at one more letter in your book before I finish. Turn to Page 241. Have you got it? Now there towards the bottom of the page is a letter from an inmate which you published in much the same way as Dr. Levy's letter, I suggest, to show how good conditions were. And you see over the page, on Page 242, he says in this letter: "Dear Mr. Schaefer: The days at Oranienburg will always be among the best memories of my life." Do you see that passage? "The days at Oranienburg will always be among the best memories of my life."

A Yes.

Q Don't you think that that is too good to be true, or do you support that today?

A Mr. Prosecutor, I should like to say the following in this connection: It is true, quite true, I admit that this letter was written in a mood of exuberance and joy at being free once more, but I do not doubt that the author of the letter was quite truthful and had the best of intentions when he wrote this letter. Of course you would have to hear him on this matter himself.

Q He may have had the best intentions, but why should he say that the days in a concentration camp, where his liberty was taken away, were among the best memories of his life? Can any man be --

A I should like to give you a brief explanation here. Mr. Prosecutor, perhaps I might be permitted to say that there were men in this concentration camp -- and I belong to them -- who haunted the unemployment agencies and who suffered the most direct need, and here in the concentration camp had enough to eat for the first time, and that is something I should like to say quite clearly.

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Q They had enough to eat, and you remember you told the Commissioner that you had them weighed and they all gained in weight. If you will look at the last two pages of your book I think you will see that you published there a table or a list of the weights of the prisoners, showing how much they had gained while they were in the camp. Have you got that?

MR. BARRINGTON: My Lord, that is 2924-B. It is on Page 17 I think -- Page 32, immediately after the Times article.

BY MR. BARRINGTON:

Q Now that is a list, isn't it, which shows the name of the prisoner, or his Christian name and the initials of his surname, and the weight on a certain date and then, after a certain period, what he had gained. Well, now, I am going to suggest to you that those weights are so fantastic that they can't possible be true. Just look down, you will see that you have had some of them printed in bolder type than the others. Look at Hermann H. from Vriezen. Have you got it?

A Yes, I have it.

Q On the 26th of June he weighed 54 kilograms; on the 6th of September he weighed 68. That is an increase of 14 kilograms or 2½ English stones in two and a half months. And look down further, you willsee Erich L., who gained 15 kilograms in six months. And further down, Paul S., who gained 15 kilograms in four months; and if you look over the next page you will see Fritz T., who started at 55 kilograms and very nearly gained half his own weight in three months, 19 kilograms in three months; that is 3 English stones in three months. Don't you think those are rather fantastic figures, impossible to believe? Well, I'll put it another way to you; I'll make another suggestion, see

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if you will accept this explanation. If the Times article was true about the poor food and conditions and if my suggestion is right that you afterwards decided to have a show camp and to improve the conditions, isn't this list of weights quite consistent with the prisoners having first of all lost weight under the bad conditions and then gained it again rapidly when you improved conditions? Do you like that explanation? I am not saying it is right, but that is another explanation; or are you maintaining that these figures are correct? Are you maintaining that these figures are correct? Are you maintaining that these figures are correct?

A Yes.

Q I notice that you don't include Dr. Levy's weight in here; you don't include Dr. Sever's weight, do you? Or perhaps they lost weight, did they?

A They maintained their weight, Mr. Prosecutor. This here is only a list of weights, only an extract in order to determine who had gained weight, and I should like once more to say, Mr. Prosecutor, you suppose right from the beginning that here we are concerned with fantastic figures. I, however, would like to say that whatever is set down in this book I will stan by even today and this list of weights which is reproduced in the back is correct, and I ask to have you ask a medical man what possibilities of gaining weight are present by a man who for years and years of unemployment has been exhausted and run down and now once more is reintroduced into a nutritional phase where daily and for his regular meals he is receiving those things which he needed. Of course I am not a medical man and I cannot express myself, but I believe, Mr. Prosecutor, that without much ado a physician can confirm these matters to you, that inside of four months a man can gain that much. I personally, Mr. Prosecutor, in May of this year, participated in hunger strikes because of hunger matters, and I lost 50 pou

Q Well, I suppose then that these men must have been very disappointed when they were given the generous Christmas amnesty, weren't they?

A About Christmass, 1933, Mr. Prosecutor, conditions had changed essentially. I believe that I may be able to say without exaggerating at all that things were much better than the year before.

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MR. BARRINGTON: That is all the questions I have, Mr. President.

THE PRESIDENT: Dr. Boehm, have you any questions to ask the witness?

REDIRECT EXAMINATION

BY DR. BOEHM:

Q Witness, was Hohenstein a Prussian camp?

A No, Hohenstein, as far as I know --and I hope I am not wrong --is in Saxony.

Q Was Rubbethal a camp run by the State?

A That is not known to me.

Q Do you know that Vogl, who was mentioned previously, was an official of the Secret State Police of the Gestapo for the country of Saxony?

A No. I am hearing this name for the first time today. The name of Vogl is unknown to me.

Q Do you know how, not in his capacity as a member of the SA but rather in his capacity as a member or an official of the Gestapo, he was treated about his request for the quashing of penal proceedings?

A I gather, from this letter which was submitted a few minutes ago, that he did this in his capacity of an official.

Q Do you know that the SA, in the fight or the struggle, had 300 killed and 40,000 wounded?

A The figure if the dead is known to me. The exact figure of those wounded is not known to me. I know only that there were far more than 10,00 wounded. However, the exact figure is not known to me.

Q Is it perhaps possible that one or the other member of the SA, at the time when political opponents were taken into the camp Oranienburg, thought of the 300 killed and the 40,000 wounded comrades?

A That cannot be contested, but we could not draw conclusions and from the beginning were governed by the decree of the Fuehrer; but you may not understand that this matter occurred at a time when the political tension was at the highest.

Q Did any source give you the command or the mission to write the book "Oranienburg?"

A No. As I have already stated, there was no commission and no command there.

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DR. BOEHM: Mr. President, I have no further questions to put to this witness.

THE PRESIDENT: The Tribunal will adjourn.

(A recess was taken until 1400 hours.)

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AFTERNOON -- SESSION.

13 August 1946.

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THE PRESIDENT: The witness can retire. Dr. Boehm.

DR. BOEHM: Mr. President, as to the next witness, I should like permission to examine the witness Gruss. This is the witness who is to be asked about the question concerning the people who transferred from the Stahlhelm to the SA.

THE PRESIDENT: Would you state your full name, please ?

THE WITNESS: Theodor Gruss.

THE PRESIDENT: Will you repeat this oath after me.

I swear by God, the Almighty and Omnisicent, that I will speak the pure truth, and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may sit down.

DIRECT EXAMINATION

BY DR. BOEHM:

Q. Witness, how old are you ?

A. 64.

Q. Were you a member of the Party ?

A. No.

Q. Or any of its branches ?

A. No.

Q. Were you a soldier ?

A. Yes, in the first World War.

Q. What was your rank ?

A. Gefreiter (Corporal).

Q. And what rank did you have in the Stahlhelm ?

A. I was the Bundeskaemmerer of the Stahlhelm.

Q. From when to when were you in the Stahlhelm ?

A. From 1919 until it was dissolved in 1935.

Q. What was your task after the dissolution of the Stahlhelm in November 1935.

A. I had to carry out the liquidation of the Stahlhelm.

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Q. And how long did you hold that position ?

A. Until 1939.

Q. How was the transfer of the Stahlhelm to the SA carried out ?

A. At the end of April 1933 the first Bundesfuehrer, Reich Minister von Seldte, and the second Bundesfuehrer Suendefeldt removed himself from his post by breaking the Federal charter and he took over dictatorial command of the Stahlhelm. One day later, Seldte, in a radio speech, declared his entry into the Party and he placed the Stahlhelm under Hitler. In June 1933, Hitler, in an agreement with Seldte, issued an order according to which first the Stahlhelm Youth, the so-called Scharnhorst union, had to be incorporated into the Hitler Youth. Second, the young Stahlhelmers a the sport units were placed under the supreme SA leadership. Third, the rest of the Stahlhelm remained under the leadership of Seldte.

A fewweeks later in June 1933, a new order came from Hitler. He ordered that now all the Stahlhelm was to beplaced under the supreme SA leadership and he ordered that the Young Stahlhelm and the sport units were to be re-established for the purpose of incorporation into the SA. In the middle of July, 1933, the leadership of the Stahlhelm undertook a distribution of the league. They established first the defense Stahlhelm. This consisted of the youth Stahlhelm, the sport units, and all Stahlhelmers up to the age of 35. Second, the Wehrstahlhelm (Camp Stahlhelm) which consisted of all members from 36 on. Now, the first stahlhelm was incorporated into the SA in its own formations with its own leaders in its field gray uniforms and its own Stahlhelm flags. This incorporation was concluded about the end of October 1933.

In the beginning of November, another order was issued by Hitler according to which the SA reserves one and two were to be set up. The SA reserve one was to be formed by the units of the Stahlhelm. That is, by the men from 36 to 45 years of age. The SA reserve two was to include the older age groups, that is, over 46. But it did not appear.
It did not come into existence, and only lists were drawn up.

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The units of the Stahlhelm were set up from which the SA reserve one was formed and they were transferred to the SA. Again, with their own leaders and their own units and in the Stahlhelm uniforms. This operation was completed by the end of January 1934. I believe it was on the 24th of January when Chief of Staff Roehm reported to Hitler that the whole Stahlhelm had been incorporated into the SA.

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Just as early, the Wehrstahlhelm had been placed under the Wehrgruppen -- the SA Reserve 1 was placed under the Command of the Wehrgruppen. That meant in both cases --

THE PRESIDENT: Isn't this all set out in detail in the Commission evidence?

DR. BOEHM: No, Mr. President. The examination of this witness in the Commission was not as the examination in general. This witness was examined only very briefly in the Commission because his state of health was very poor at the time and it is essential for this witness to be examined in detail before the Court.

THE PRESIDENT: The only topic he is dealing with is the merger of the Stahlhelm in the SA in 1933, isn't it? That is the only evidence he is giving and surely that is adequately dealt with in the Commission evidence.

DR. BOEHM: Yes, Mr. President.

THE PRESIDENT: Is there anything else that you want to get from him?

DR. BOEHM: Yes.

THE PRESIDENT: What is it? But you aren't getting it at present, you are getting the way in which the Stahlhelm was merged in the SA.

DR. BOEHM: Mr. President, the Stahlhelm has placed great value on being presented to the Court, how many were taken over into the SA but that they were taken over on orders and that, as they assert, they did not volunteer for the SA.

THE PRESIDENT: I quite understand that but you aren't telling me, are you, that that wasn't stated in the evidence in the Commission; that they were taken over compulsorily by the SA.

DR. BOEHM: But I wanted the individual events as they actually occurred to be presented to the Court here.

THE PRESIDENT: Well, we have got the summary of the evidence before us and it seems to me that the evidence he is giving now is the same as the evidence he gave them.

DR. BOEHM: For the majority it is the same thing, Mr. President; he is finished with his testimony in this connection. I have come to the next question anyhow.

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BY DR. BOEHM:

Q Did the unit of the SA Reserve 1 continue to exist until the collapse of 1945?

A Not all of them. A large part of these units were in the course of the years, particularly at the beginning of the war, transferred to the active SA; though they were either assigned to the Front SA or attached to the Front SA in the form of reserve groups, the other SA reserve units continued to exist.

Q Why did this incorporation of the SA Reserve into the SA take place?

A At the beginning of war there were gaps in the SA. Through the transfer of the SA Reserve 1, these gaps were filled; primarily, however, the Stahlhelmers who were always recognized as oppositional were to be better supervised by the SA.

Q Why were you, yourself, incorporated into the SA?

A I was already too old at the time, and besides, I was a Free Mason.

Q In the incorporation of the Stahlhelm into the SA, was pressure used going beyond orders?

A Yes, to a large extent. There was no voluntary transfer. This transfer was on orders; for example, in the Wehrstahlhelm, in most cases the Wehrstahlhelm was called together for a roll call. They were told that they had been transferred and then the SA, whoever was present, took over the Stahlhelm. No one was asked whether he wanted to participate. Immediately upon the incorporation of the Stahlhelm, it was shown that in the case of the majority of the Stahlhelmers, this incorporation proceeded only involuntarily and with the use of resistance. Stahlhelmers who did not want to join the SA were in many cases threatened with arrest. Police arrest punishments up to ten days and longer were inflicted in these cases. Furthermore, the Stahlhelmers were told that if they remained out of the SA, an order of Hitler's would not be fulfilled and this was an action hostile to the state which would have serious consequences. Whoever was charged with this, with an action hostile to the state, was reported to the police as politically unreliable and was especially watched by the police. It could happen to many that on any occasion, without any reason, he could be arrested, put into prison or a

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concentration camp. Being investigated as an enemy of the state also had the very serious consequences that almost always resistance was at least seriously interfered with or even destroyed. The state officials who, as Stahlhelmers, did not want to be in the SA were designated as enemies of the state and removed from their positions. They often lost their salaries. It was simila. with the employees in private industry. They always lost their positions because the heads of the concerns did not want to have a man working for them who was an enemy of the state. In many hundreds of cases we tried at the time to have these Stahlhelmers, who applied to us for aid, to help them by appealing to the labor courts but in most cases we were not able to have these people restored to their positions. In most cases the court merely guarantee them compensation. What a Stahlhelmer had to suffer, who did not want to belong to the SA, was in many cases so serious that I know with certainty of several cases of suicide of Stahlhelmers who could not bear it.

Q Do these observations of yours cover all of Germany?

A Yes.

Q Is it true that deceptive maneuvers also took place when the Stahlhel was incorporated?

A Yes, in my opinion, maneuvers of deception also took place. For example, I have already mentioned that the Wehrstahlhelm, as well as the SA Reserve 1, were permitted to be incorporated in their own formations with their own leader and in the field grey uniform. After a short time, however, these concessions were removed and the Wehrstahlhelm as well as the SA Reserve 1 had to wear the brown uniform of the SA but they were no longer recognized as former Stahlhelmers in the SA. Then there was one point which had especially serious consequences. The Stahlhelmers had been promised that after the transfer, they could remain members of the Stahlhelm -- so-called dou membership. They could participate in the exercises of the Stahlhelm if the SA Reserve did not suffer but this promise also was withdrawn very soon and the Stahlhelmers who wanted to be loyal to their league had the very greatest difficulties. There were many arrests and punishments of all kinds.

Q At the time when Seldte transferred the Stahlhelm to Hitler, did he represent the will of the Stahlhelm League?

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A No, he did not. The vast majority of the Stahlhelmers did not approve the measures of Seldte. Serious "whirls" occurred in the Stahlhelm on this account and if it did not collapse at the time it was only because the Stahlhelmers said "We have not taken an oath to the person of Seldte. We swore an allegiance to the Stahlhelm and to the Front soldiers."

Q What ranks did the Stahlhelmers receive in the SA and what significa did they have?

A One could speak of a maneuver of deception here also, since the Stahlhelm leaders had been expressly promised that they would serve in the SA with the same ranks but this promise was not kept. The Stahlhelm leaders wer reduced by one or two ranks. Shortly thereafter, they were relieved of their commands. Only a few of them remained in commanding posts. Most of them h nothing to do in the SA but they could not get out of the SA. According to my observation, the Stahlhelm leaders did not go beyond the rank of a Standartenfuehrer in the SA unless it was a special exception -- as men who have distinguished themselves by a special activity on behalf of National Socialism. In view of the ranks, a special role was played by the N.S. Reiter Corps which included many Stahlhelmers but as regards the leaders, the Reiter Corps wasleft more or less as it was. Up to a Standartenfuehrer, most of the Stahlhelmers kept their command although they included many who were in opposition.

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Q Was the attitude of the Stahlhelmers transferred to the SA staff different from the attitude of the ordinary SA?

A Yes, in its inner nature, the Stahlhelm was something entirely different from the SA. If anyone joined the Stahlhelm , he did so voluntari and on his own decision. Not everyone was accepted in the Stahlhelm. Everyone was first carefully investigated. Then the Stahlhelm had a charter, a constitution, which was on a completely democratic basis and which gave him the possibility to elect those leaders whom he wanted or to remove those leaders whom he did not want. The two leaders of the league had to be reelected from time to time by the assembly of members.

The main nature of theStahlhelm, however, was the continuation and tradition of the front comradeship, which had arisen in the field, that unique comradeship which in emergency and death demanded that "I must give everything for my comrade and help him always." That was, as we called it, front socialism, No difference was made between rich and poor, between rank and rank and file. We Stahlhelmers were all alike.

In addition, thepeople who volunteered for the Stahlhelm generally came from a moderate, middle-class, I might say conservative part of the population. These people were not for extreme measures and for radicalism. They were for moderate and peaceful development. When one sums it up, one realizes that a quite special type of person was included in the Stahlhelmer and that this resulted in many reasons for friction with the SA.

Q Did theStahlhelmers bring military attitudes with them into the SA?

A Yes, but only to the extent that within the Stahlhelm one often spoke of the First World War, in which almost all of us had participated; but we were not a military organization; but that was often asserted of the Stahlhelm because, for example , it had military command; but it was quite impossible to have a massmovement of one and a half million members without such command, which were in the bulk of the Stahlhelmers as old soldiers.

But otherwise we always thought that there would never be another war. We had had enough with the First World War. We considered it our task to spread the idea among the people that one could solve problems without war.

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Not only in Germany did we represent this point of view. We established contacts abroad as well, especially with the foreign organizations of front fighters because we thought that these old veterans would understand us best if we said that there must never be another war.

Q So the Comradeship thought was this, to serve for the preparation of a war of aggression?

A No; but aside from what I just said, the Stahlhelmer never thought of a war of aggression. The Fighters Front Comradeship had only the purpose of promoting the virtues of comradeship which had arisen in the field, of steadying them to other circles and in peaceful ways of leading to better cooperation among states.

Q What was the attitude of Stahlhelm concerning the political parties of Germany?

A The Stahlhelm was against all radical political tendencies. It did not follow a principle of extermination, however. It repeatedly attempted through enlightenment, conviction, recruitment, to unite these extreme tendencies with the moderate tendencies. Proof that the political opponents of the Stahlhelm did in thelastanalysis understand it was shown in the spring of 1933 when many persecuted members of the SPD and the KPD sought protection and aid in the Stahlhelm. They were taken in by us.

But, as a result, the Stahlhelm had the most serious conflicts with the Party. The Party could not approve that people persecuted by it should be protected by the Stahlhelm. Significant of this are the events in Brunswick in the spring of 1933. There an Ortsgruppe of the Stahlhelm held a meeting. The SA surrounded the place where themeeting was being held and arrested all themembers. Upon investigation, it was shown that of approximately 1500 participants, over a thousand were former members of the SPD and the KPD. We had taken the men when they had proved to us that they were decent people and that the majority of them had been at the front with us.

Q Were the Stahlhelmers opposed to trade unions?

A No. The Stahlhelmers were only opposed to the extreme exaggeration. The Stahlhelm had its own union, the Stahlhelm Self-Aid, Selbsthilfe. This included almost all the workers who were members of the Stahlhelm. I point out that the Stahlhelm had twenty-five to thirty per-cent of its members who

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were workers, laborers. In thesummer of 1933 the Stahlhelm was dissolved possibly.

Q Did the Stahlhelm carry on anti-semitic propaganda?

A There were many opinions and points of view in the Stahlhelm. Everyone could think what he liked; but I never knew of any order of the leaders of the League against Jews; and no such order was ever given. It was quite impossible. For example, the Second Bundfuehrer, leader of the League, Duesterberg, was of Jewish origin. Nevertheless, Duesterberg was the most popular Stahlhelm fuehrer. In the central office of the League in Berlin, one of my closest associates was a Stahlhelmer who was married to a Jewess. We did not concern ourselves about that at all. We had many Jews in the Stahlhelm. We did not appropriate the radical racial theory of the Party but were always opposed to it. In addition, to Duesterberg, we had other Jews as Stahlhelm fuehrers. There were Jews, part Jews, Free Masons in the Stahlhelm; and therefore there could not have been any anti-semitic tendency in the Stahlhelm, with the exception of a few circles who did not have the upper hand.

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Q What was the effect of this Stahlhelm training when the Stahlhelm was transferred to the SA?

A This incisive Stahlhelm training primarily caused resistance in the majority of Stahlhelmers against the incorporation. There were three points in particular which the Stahlhelmer could never understand, and which always separated him from the SA. There was, first, the autocratic Fuehrer principle. In the Stahlhelm there were only self elected Fuehrers, who did not exist in the SA. Then, the Stahlhelmers could not agree with the radicalism which was to be observed in the SA, and furthermore they could not approve the idea of totalitarianism.

Q Now I should like to ask you why the Stahlhelmers did not leave the SA.

A If that had been possible, you may believe me, large numbers of them would have resigned, but leaving the SA was impossible. There were only two possibilities of leaving the SA. One was honorable discharge and the other was dismissal. Honorable discharge was awarded when one could prove without doubt, for example, that one was very seriously ill, but only a very small fraction of the Stahlhelm could take advantage of this opportunity to leave the SA. For the majority of the Stahlhelmers, only dismissal was possible because the SA had recognized very early from the opposition of the Stahlhelm that those were elements hostile to it. As a result, dismissal was ordered in many cases if they wanted to harm the Stahlhelmer seriously.

To the examples which I give in connection with the term "enemy of the state" I should like to add the following. Dismissal from the SA was recorded on the papers of the Stahlhelmer. If the Stahlhelmer wanted to accept a new position, it was immediately clear that he had been dismissed from the SA and that was such a serious offense that no one wanted to have him.

Stahlhelmers who wanted to join the Reichswehr were not accepted if they had been dismissed from the SA.

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If you will consider what I have said before, there were so many serious difficulties that many Stahlhelmers who were otherwise brave and courageous men hesitated to leave the SA because they could not take on themselves the responsibility of endangering the livelihood of their family.

Q To what period of time do these observations apply?

A Up to the time of the war.

Q And from whom did you learn the things which you have told us here?

A In my position as Treasurer of the League, I spoke orally with many Stahlhelmers about these matters. In addition, I had to read many reports.

Q As liquidator of the Stahlhelm, did you maintain any contact with the Stahlhelmers beyond the settlement of business matters?

A Yes, I did.

Q Were you permitted to do so?

A No, I was allowed to settle the business affairs of the Stahlhelm, but any attempt to continue the Stahlhelm in a camouflaged form had been prohibited by the Gestapo. I repeatedly had clashes with the Gestapo on that account. But I constantl made the attempt because many of my old comrades told me repeated ly that I had to do this because otherwise there would have been no one left.

Q And of what did your activity consist in holding the Stahlhelm together?

A I spoke to many individual Stahlhelmers myself. They came to see me in Berlin from all parts of Germany. I was in contact with many by letter, and on the excuse of business I wrote letters to --

THE PRESIDENT (Interposing): What have we got to do with this, Dr. Boehm?

DR. BOEHM: The point at issue, Mr. President, is to show the Court what the nature of the ideas and the ideologies of

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the men in the Stahlhelm was.

THE PRESIDENT: Well, you are defending the SA against a charge of being a criminal organization. You are now trying to show us what the ideology of the Stahlhelm was. You have been nearly an hour over this witness already. Practically everything he has said is written down in this summary of his evidence, the summary which we have before us, his evidence to the Commission.

DR. BOEHM: Yes, Mr. President, but I must show the Court something about the attitude of this witness and the one and a half million men who came from the Stahlhelm to the SA, and I can do that only in the context in which I have done it. For the few questions remaining -- there are four or five -- I will try to be as brief as possible.

BY DR. BOEHM:

Q You mean to say then, Witness, that this continuation of the Stahlhelm after July 1934 was illegal?

A Yes, it was not permitted.

Q And about how large was the circle of persons with whom you were in contact in this connection?

A I myself was in contact with only a few hundred former Stahlhelmers, but these were only the liaison men. Behind them were the many thousand in the individual cities.

Q Were there other contacts among the Stahlhelmers?

A Yes. Aside from the contact with me, everywhere in Germany in the individual towns independent groups of Stahlhelmer had been formed. Sometimes they were of quite considerable size. For instance, in Berlin I often participated in meetings where there were 150 to 200 Stahlhelmers.

THE PRESIDENT: Dr. Boehm, if this is intended to show that this witness knew the circumstances about the Stahlhelm, surely you can leave that to re-examination if it is challenged. Why should you anticipate that they will challenge this witness that he doesn't know anything about the Stahlhelm? Presumably

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he does. Until it is challenged, you can leave it to re-examination.

DR. BOEHM: I will ask my last or second from the last question.

BY DR. BOEHM:

Q Do you know, Witness, that the Stahlhelmers participate in crimes which were charged against the SA, for example the persecution of the Jews?

A No, I know nothing about that, but I would have had to know about it. It would have been a quite noteworthy fact if it had been established that Stahlhelmers had participated in the persecution of Jews. I refer to the statements which I made about the non-existence of an anti-Semitic tendency in the Stahlhelm.

Q Did you observe that this attitude of the Stahlhelmers was general regarding the SA or were there indications that considerable parts of the Stahlhelmers gradually changed their opinion?

A This antagonistic attitude of the Stahlhelmers, in the case of the great majority, remained unchanged until the end. I should like to say that the longer the Third Reich lasted, the stronger this opposition became among the Stahlhelmer I do not believe that there were many Stahlhelmers who changed their opposition during the course of the years. Of course, there are always such individual cases in a large number, but they were only individual cases.

DR. BOEHM: Mr. President, I have no more questions to put to this witness at the moment.

BY DR. GAWLIK (Counsel for the SD):

Q Witness, do you know whether the Stahlhelmers who were in opposition were watched by the SD?

A I know nothing about their being watched by the SD. I heard only that the Gestapo and the local police observed the Stahlhelmers.

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Q The son of Duosterberg made an affidavit under Stahlhelm No. 4 that the SD watched the Stahlhelmers. Are these statements untrue?

A I am of the opinion that the son of Duosterberg must be mistaken. I myself never heard anything of the SD in the capacity of persecutors of the Stahlhelm.

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CROSS EXAMINATION

BY COLONEL PHILLIMORE:

Q. Witness, you have spoken about the radical and extremist tendencies of the SA ?

A. Yes.

Q. You mean, do you not, that they were terrorists and gangsters ?

A. If I said radical and extremist tendencies here, I meant those group of people in the SA who at that time already severely endangered the respect of the people for the SA. But they were only groups. That was not the whole SA. They were parts of it.

Q. There were groups in every town in Germany, weren't there ?

A. I can't say whether they were in every town in Germany but there no doubt were such groups in many cities.

Q. You are saying, aren't you, that the Stahlhelmers were forced to join the SA throughout Germany ?

A. Yes.

Q. That was done by threats by the local SA Leaders who took them over isn't that right ? That's what you are saying ?

A. Yes.

Q. Can there be any doubt that those threats and those arrests you spoke about were ordered by the SA Leadership ?

A. According to my judgment, these threats, arrests, and everything connected with them were introduced by the SA Leadership. Of course, in view of the large number concerned, it may have happened that the Party or other branches of the Third Reich participated, but primarily this pressure was applied by the SA itself.

Q. And you have spoken of the boycott of a man who was dismissed from the SA. Are you saying that that was the case all over Germany, if a man was dismissed he was boycotted ?

A. In those cases of which I know, and there were very many, such a boycott was carried out. I know for example of such a boycott in a small town...

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Q. I do not want instances. And you say that a man would not be able to join the army. That can only have been, can it not, that the SA Leadership communicated his name to the army as having been dismissed ?

A. It is possible that the SA gave these names to the army but I do not know exactly. I only know one thing -that the Stahlhelmers who wanted to join the army, for example former officers, were not accepted if, when their papers were presented, it was shown that they had been dismissed from the SA.

Q. I just want to ask you one or two more questions about the SA. Do you know Minister Severing ?

A. Like every other German, I know Minister Severing from the time when he was a minister. I do not know him personally.

Q. Do you know of him as a man of integrity ?

A. I personally consider Severing a decent man .

Q. Will you listen to his description of the SA in the early days, before ghe seizure of power.

A. I do not know this description.

Q. "Wherever the SA could exercise their terror unhindered they acted in such a manner. They had in-door battles against people who thought differently. Those were not the ordinary little fights between political fighters during elections; that was organized terror." Is that a fair description of the SA during the years before the seizure of power ?

A. I believe that on the whole Severing describes it correctly.

Q. Do you know the witness Gisevius ?

A. No , I do not know him.

Q. Will you listen to his words :"During the early part of the struggle for power, the SA constituted a private army for carrying out the orders of the Nazi Party. Whoever had not entirely made up his mind had it made up for him by the SA. Their methods were primitive but effective. One learned the new Hitler salute very quickly. Then, on the sidewalks beside every SA marching column, a few stalwart SA men went along giveng pedestrians a crack on the head if they failed to perform the correct gesture at least three steps ahead of the SA flag; and these Storm Troopers acted the same way in all things."

Again I ask you, is that a correct description of the behavior of the SA as you knew it ?

A. I must say I am not really competent to pass judgment on the SA from the early period. My observations were made from 1933 on. I might say I had to make them officially because I was Bundeskaemmerer of the Stahlhelm. Beofre that I was a bank director. I did not have such great interest in the SA.

Q. Well then, I will put to you one more, my last question.

THE PRESIDENT: Are these statements in evidence ?

COLONEL PHILLIMORE: Yes, My Lord. The first statement I put in is from Minister Severing's evidence, page 10,084 of the transcript. The second statement is from Gisevius' evidence, page 8,442.

THE PRESIDENT: The nature of this witness's evidence has been that the Stahlhelmers were incorporated into the SA by force. He has not said anything about the SA being an orderly or properly run organization.

COLONEL PHILLIMORE: My Lord, he has spoken of radical and extremist tendencies and by inference one can assume that he was speaking of the SA.

THE PRESIDENT: Do you mean that is what he said about the SA ?

COLONEL PHILLIMORE: Yes, one can give it no other meaning.

THE PRESIDENT: If he said that about the SA that is not giving evidence on behalf of the SA as an organization and you are not entitled to challenge him about that. If he had been giving evidence saying that the SA was a perfectly well behaved organization, then this cross-examination might be relevant; but if he has not said that I do not quite see how the cross-examination is relevant.

COLONEL PHILLIMORE: My Lord, witness after witness has appeared for the SA before the Commission.

THE PRESIDENT: Yes, but not this witness on this aspect of the matt Let us deal with this witness. This witness has said nothing before us which shows that the SA was an orderly or well behaved organization.

COLONEL PHILLIMORE: My Lord, but he has said that the SA was a most disorderly organization. It is my submission on cross-examination that I cannot be asked to refrain from continuing to follow on that evidence,

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unless your Lordship feels it is a waste of time of the Tribunal. In my submission it is of great importance when you have to judge the evidence of a large number of these witnesses for the SA who have appeardd before the Commission. Your Lordship, it will be very short. I want to quote one further statement about the period after 1933. It is by the witness Gisevius, page 8443 of the transcript.

BY COLONEL PHILLIMORE:

Q. "The SA organized huge riots. The SA searched houses. The SA confiscated property. The SA cross-examined people. The SA put people in jail. In short, the SA appointed themselves auxiliary police. Woe into anyone who got into their clutches. From this time dates the Bunker that dreaded private prison of which every SA Storm Troop had to have at leas one. Taking away became the inalienable right of the SA. The efficiency of a Standartenfuehrer was measured by the number of arrests he had mad3 and the good reputation of an SA man was based on the effectiveness with which he 'educated' his prisoners."

Is that a fair description of the activities of the SA in the months immediately following the seizure of power ?

A. I must say that the majority of what the author said became known to me then in Berlin but please consider that this concerns the SA which was under Chief of Staff Roehm and that later the SA was subjected to a purge.

Q. Yes, but I will come to that in a minute. But this is a fair description of what was happening in Berlin in the early months of 1933 ? And, if you had to make a report about this, can you say whether that is a fair description of what was happening in every town in Germany ?

A. I should like to say that according to my recollection, Mr. Gisevius, did not exaggerate. It was no doubt often the way he describes it.

Q. Now, I want just to ask you about the Jews. You have said that the Stahlhelm members were not anti-Semitic. Was it because the SA was anti-Semitic in its outlook, was that one of the reasons why you said Stahlhelm members did not like joining it ?

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A. No it is rather so : The Stahlhelm education, this moderate democrati idea of the Stahlhelm , exluded any anti-Semitic propaganda because anti-Semitic propaganda would have been radicalism and there was no such radicalism in the vast majority of Stahlhelmers.

Q. Do you know the witness Haufer ? He gave evidence before the Commission.

A. Yes, I know Haufer. He was in Dresden formerly.

Q. He said this in his evidence, page 2681: "We disapproved completely of the Party's policy against the Jews." Was that right ?

A. Yes.

Q. And the Party's policy was the policy of the SA and the SA leadersh wasn't it ?

A. Yes, that is true.

Q. Now with regard to the joining of the Stahlhelm, the incorporation of the Stahlhelm in 1933. It is not true to say that all Stahlhelm members were compelled to join, is it ?

A. I said before that certain age groups of the Stahlhelm had to join and these age groups were transferred as a whole and without exception.

Q. Certainly in the case of anyone over 35 he could have stayed out, couldn't he ?

A. Yes, if they had been asked beforehand, but they were not asked. They were given orders and had to join.

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Q. You know the witness Waldenfels who appeared before the Commission? Do you know him?

A. Yes.

Q. He refused to join and he retained his post right up to the war, isn't that correct?

A. That is correct, but that is just as in my case. Waldenfels was above the age of those whowere incorporated into the SA.

Q. Well, he was under 45 at the time, wasn't he?

A. Whether he was under 45 at the time, I don't know, but he is an elderly man, and I assume that he was.

Q. He is an elderly man now. He was born on 10 August 1889, according to his evidence. The witness Juettner has said, you know, that even if pressure was put on a man to join, there was nothing whatever to stop him withdrawing. Now I know you say he would be boycotted, but in fact, the number in the SA fell, didn't it, from 4½ million to 1½ million between 1934 and 1939?

A. I have heard of that.

Q. Wasn't that because people were withdrawing?

A. No, as far as I can understand the state of affairs, first after the 30th of June, 1934, all followers of the chief of Staff Roehm were removed fr the SA. There were very many of them, but I cannot give any number. There were very many, though. The hundreds of thousands of SA men were released from the SA, but not to return to private life. As far as I can recall, they were assigned to other branches of the Party. Only very few of the Stahlhelmers were affected by this release. I know that very well, because Stahlhelmers came to me in many cases and said that they hoped to be able to get out of the SA now, and after a time they came to me again and said it was not possible. The Stahlhelm had to remain in the SA because it could be bett controlled that way.

Q. Once they were in the SA did these members of the Stahlhelm obey orders and perform the same actions as anybody else in the SA?

A. They had no other choice if they did not want to expose themselves t

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the extraordinary difficulties which I have described. But it is a fact that in many cases it was Stahlhelmers who refused to obey orders.

COL. PHILLIMORE: I have no further question.

THE PRESIDENT: Dr. Boehm, have you any re-examination?

DR. BOEHM: No.

BY THE PRESIDENT:

Q. Witness, in 1933 when the Stahlhelm were incorporated into the SA can you give me the approximate numbers of the Stahlhelm and the approximate numbers of the SA?

A. I can only give the approximate strength of the Stahlhelm. I would estimate it at about one million. That is those people who were incorporated into the SA from the Stahlhelm. I do not know the strength of the SA.

Q. Do you know approximately how many Stahlhelmers there were in the SA on the first of September, on or about the first of September, 1939?

A. No, I cannot say that.

Q. Do you know how many Stahlhelmers there were at the end of the war?

A. If you mean how many Stahlhelmers there were in the SA at the end of the war, I cannot answer that question, either, but there may have been Stahlhelmers at the end of the war, perhaps five hundred to six hundred thousand men. Since everything in Germany was in confusion, one can only estimate. On cannot say exactly.

Q. Then you really can't give any apporximately accurate figures for the Stahlhelm after 1934?

A. Do you mean the Stahlhelm as it continued to exist after 1934 as a league, or the Stahlhelm which was transferred?

Q. I meant the Stahlhelm which were transferred to the SA.

A. Yes, there must have been about one million.

THE PRESIDENT: Then the witness may retire, and the Court will adjourn.

(A recess was taken)

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MR. ELWYN JONES : If your Lordship pleases, would your Lordship allow me to mention one brief matter? During the SS case I submitted the Document 4043 PS wich was a statement by a Polish President as to the killing of 846 Polish priests and clergymen at Dachau. The Tribunal did not accept the document at the time because it did not appear to be in a satisfactory form. Now the Polish delegation wishes to submit a further certificate from a Dr. Pietrowski who said that the President's statement was made to him, in his presence, and in accordance with the stipulations of Polish law, and that in English law it is equivalent to a solemn declaration. I discussed this matter with Dr. Polckmann and he has no objection to the document going in in its present form.

THE PRESIDENT : The Tribunal will consider the matter. You may put in the document.

MR. ELWYN JONES : Thank you. There are copies in Russian, French and German.

THE PRESIDENT : Dr. Boehm, have you another witness?

DR. BOEHM : May I be permitted to call the Wittness Juettner?

THE PRESIDENT : Yes.

MAX JUETTNER, a witness, took the stand and testified as follows :

BY THE PRESIDENT :

Q Will you state your full name, please?

A Max Juettner.

Q Will you repeat this oath after me :

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

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THE PRESIDENT : You may sit down.

DIRECT EXAMINATION

BY DR. BOEHM :

Q Mr. Juettner, from 1934 until 1945, you were chief of the main office leadership of the SA, and, beginning with 1939, simultaneously, you were the permanent deputy of the staff Chief of the SA. All questions concerning the SA even before 1933, you can answer because you are advised and informed on those questions?

A On the first of November, 1933, I worked as a responsible member of the higher SA leadership. From the record, from conversations, I am informed on all essential matters concerning the SA even before this time. The questions put to me I can answer in the affirmative therefore.

Q What were you up until your nomination to the SA leadership? What was your profession and political background?

A Originally, I was a career officer from 1906 until 1920, After my honorable discharge from the Army, I entered the Central German Mining Company. There I started as a common laborer I worked myself into an office position of a large concern. As far as politics are concerned, after 1920 I belonged to the German National Peoples Party for several years. Then I was without a party. Beginning with 1920, parallel with my profession I worked in a leading position in the Central German Stahlhelm (Steel Helmet) Society.

Q What were the reasons for your being called for leadership into the SA?

A My being called into the leadership into the SA was connected with the incorporation of the Stahlhelm (Steel Helmet) Society into the SA. I enjoyed a good reputation even among

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political opponents. I maintained a position of confidence with minor interest. These facts were well-known. Especially in the social field, the Stahlhelm was active. All of these factors may have contributed to my being called in. I left the mining indust voluntarily and became an SA leader for a profession. In the sum of 1934 I was taken into the party.

Q Therefore, you came from the Stahlhelm into the SA?

A Yes.

Q Were other leaders of the Stahlhelm brought into decisive positions in the SA?

A I cannot give you comprehensive figures without technical background, but from memory I can tell you that 60 higher and intermediate SA leaders, I set down for my own purposes. They were people who were formerly members of the Stahlhel Therefore many former Stahlhelm members were incorporated into the SA in leading positions. The Chief of the Air Defense Office--

Q Is that in the Stahlhelm or in the SA?

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A. In the SA, all key positions in the S[illegible], in the course of time, were taken over by former Stehl Helmet members,

Q. But despite this personnel in the Personnel Office, the Office of the Adjutant General, the Office of the Chief of Staff, and the Head of the Educational Branch, and the groups with the heads of the various units that you could find from among ex-Steel Helmet members, can you say that the positions which were held by former Steel Helmet men and the men of the SA were of such a nature that they were of but little significance for the bulk of the SA ?

A. One cannot say that. The leaders of the SA who came from the Steel Helmet into this position had considerable influence on the education, training and youth of the SA.

Q. About a half-hour ago, a witness by the name of Gruss was interrogated herem who, of course, was never a member of the SA, and who did not know the conditionsin the SA from personal experience, but who testified in reply to a series of questions which, in my opinion, only an SA man could answer, and someone in a high position. Did you, during your membership in the SA, from the year 1934 until the dissolution of this organization, ever observe that some SA members who had come from the Steel Helmet Organization tried to form an opposition party ?

A. I can answer this question clearly and unequivocally with "no". Numerous SA men came to me in the first few months who had formerly belonged to the Steel Helmet Society; and like myself they felt regret that their fine old organization was no longer in existence. But together with me, they hailed the fact that they were now permitted to participate in this large community of the SA.

Q. Did you ever hear from any source of opposition on the part of these people who had come from the Steel Helmet ? Did other SA men complain about things like that ?

A. If I understand you correctly, we are concerned with men who had been in the SA.

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Q. Yes, men who came from the Steel Helmet in the years 1933 and 1934 and entered the SA, who were incorporated into the SA, or who voluntarily entered the SA at that time.

A. These men, as far as I know, did not oppose the SA. I knowof no opposition like that.

Q. What was the strength of the SA in the year 1933 ?

A. In 1933, the SA had 300,000 men.

Q. And how many SA members came into the SA in the years 1933 and 1934 ?

A. You mean members of the Steel Helmet ?

Q. Yes, members of the Steel Helmet.

A. When the Steel Helmet was incorporated into the SA, the Steel Helmet, had approximately 1,000,000 or a somewhat larger number of members. More than half of these were incorporated into the SA, 500,000 men. This figure is identical with that which remained in the Former Bundesfuehrer Seldte.

Q. Are you differentiating between the original Steel Helmet and the later Steel Helmet Organization ? Can you say that the total of the men coming from the Steel Helmet who were taken over into the SA was approximately 1,000,000?

A. After the Steelhelmet was dissolved -- I believe that occurred in 1935 -- it is quite possible that altogether 1,000,000 men came into the SA from the SteelHelmet.

Q. Therefore the ratio in the years 1933 and 1934 was such that the SA consisted of two-thirds Steel Helmet men and one-third men of the SA ?

A. In the year 1933-1934, in addition the SA Reserve No. 2 was brought in. That was the Kieffhauserbund. Therefore, that apportioning into thirds that you just set up does not quite apply. But if the original figure, the original strength as of January 1933 is taken into consideration, what you have just said is true.

Q. Then briefly, shortly after 1933, the SA went through a tremendous increase. The original figure of 300,000 jumped at 4,500,000 in 1935; is that correct ?

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A. Up until 1934, that is true, yes.

Q. Then it was the intention on the part of the Higher SA leadership, since there were many people coming into the SA who really had no business there, to reduce this number; and approximately 3,000,000 men were eliminated from the SA up until the year 1939, so that in the year 1939, the SA had approximately 1,500,000 members; is that correct ?

A. Yes, indeed, that is quite correct. The figure of 1,500,000 had, of course, been reached some several years before. The reducing of the SA was brought about in such a way that those who were eliminated were first of all the SA Reserve No. 2, the Kieffhauserbund. The Kieffhauserbund was perhaps 1,500,000 members. Secondly, after the death of Roehm, the NSKK; thirdly very many SA men who were active in the political leadership, such as Block Leaders and Gau Leaders,and so forth; fourthly, the Staff Chief Lutze eliminated all of these men who for professional or other reasons could not serve or did not wish to serve.

Q. After the reduction of this number of 4,500,000 to 1,500,000 did it come to yourattention that especially many Steel Helmet members or former Steel Helmet members were eliminated fr m the SA ?

A. Perhaps in this connection I might refer to the Steel Helmet in Central Germany, of which I was the head. There we were located in the heavily industrial region around Halle. Really, after 1935, the nucleus of the SA was my old Steel Helmet Organization; therefore very many Steel Helmet men remained in the SA.

Q. And thus those who served in the SA remained until the dissolution of the SA ?

A. Yes; and they were not the worst elements.

Q. If now in the years 1935 and later, the individual SA man who had come from the Steel Helmet Society had fought against the need to lead the SA, could ha have done so ?

A He could have done that without much ado.

Q. Would he have met with particular difficulties if he had done so ?

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A. Under no conditions from the SA.

Q. The witness Gruss asserted among other things that in a case like that it would have become impossible for him to come to the army as an officer, f in that case, a remark would have been placed in his record,"Dismissed from the SA". Is that correct ?

A. The witness Gruss seems to have confused matters. Of course, a man who was expelled from the SA as a punishment for having committed some wrong act or other, would have had a remark placed in his record, and that would b, comparable to being sentenced for the first time in ordinary life.

Q. Therefore, you can say in order to summarize briefly, that the larger part by far of the members of the Steel Helmet who entered the SA in the yea 1933 and at the latest in 1934, as far as you know, were loyal comrades and remained such; is that true ?

A. They were my best friends, and they remained so.

Q. What was the psotion of the Staff Chief of the Party Leadership with respect to the government, or to the State Chiefs ?

A. Roehm was a strong personality. His word meant much among the Party leadership. As Reich Minister --

THE PRESIDENT: Dr. Boehm. the Tribunal would like to know whether you case is that the SA, after its incorporation into the Stahlhelm, was a voluntary organization or was involuntary, so far as the Stahlhelm was concerned.

DR. BOEHM: If I understood the question correctly, Mr. President, I can say that the Steel Helmet was a voluntary organization, and it was taker into the SA on the basis of orders.

THE PRESIDENT: There seems to be a certain difference of viewbetween the two witnesses that you have called. The Tribunal wants to know what your case was, whether you case is that the SA after being incorporated in to the Stahlhelm was a voluntary organization.

DR. BOEHM: After the Steel Helmet was incorporated into the SA, all voluntary bases of the Steel Helmet had been taken away from it. Of course, then the organization and each and every member of the Steel Helmet had become a member of the SA.

THE PRESIDENT: And was voluntary, you mean, or was involuntary ?

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DR. BOEHM : The Steel Helmet, on the strength of orders, was taken over into the SA, and now after its incorporation, its virtue as an independent organization ceased. Then, it was the SA, and each and every former member became a member of the SA.

THE PRESIDENT : What I want to know is whether you contend, having become members of the SA, it was voluntary or involuntary?

DR. BOEHM : In my opinion, that is a question with Paragraph 6 of the Resolution of the 13th of March, 1945. As a question of law, I assert that on the strength of orders, the Steel Helmet was taken into the SA. In its later ramification, it was not voluntary, but rather on the strength of order.

THE PRESIDENT : You say they were involuntarily incorporated into the SA, involuntary members of the SA?

DR. BOEHM : That is not quite that way, Mr. President. I should like to say that on the strength of orders, most of the larger part, the bulk, went into the SA involuntarily.

THE PRESIDENT : Dr. Boehm, I don't doubt what the witness said. I heard what the witness said, and I heard what the last witness said. Mr. Biddle wants to know what your case is. Are you saying that the Stahlhelm after it had been incorporated into the SA, those members of the Stahlhelm who were incorporated into the SA, were involuntary members or were voluntary members? It is for you to make up your mind which case you are putting forward. Possibly. Possibly it might make my meaning more clear to your case -- they could resign from the SA or that they could not resign.

DR. BOEHM : That was not to be the topic of my evidence, Mr. President. The topic of my evidence is to show first of all that the Steel Helmet was taken into the SA on the

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strength of an order involuntarily, and I am sure that must have been the opinions of the bulk of the Steel Helmet. If and how far they could leave, that was the point I tried to clarify through this witness.

THE PRESIDENT : All right, go on, Dr. Boehm. At some stage, no doubt you will be able to tell us which of the witnesses you adopt.

Q (Continuing) Witness, I should like to ask you to continue in your testimony. What was the position of the Staff Chief to the Party Leadership and to the government. You said that Roehm was a decisive personality, and that his word did have a great influence on the Party Leadership. Now, I should like to ask you to continue, please.

A Roehm was Reichsminister, and as much he endeavored to influence the government in order to persue his aims. Staff Chief Lutze was on a Reichs leader in the Party. Despite the fact, he had no influence on the Party leadership. In the last few years and even before the war he avoided Gau and Party meetings. Lutze was not Reichsminister any longer; therefore, he had no influence on the conduct of the government and its leadership. Schoppmann was neither Reichs leader nor Reichsminister; and after the 30 of June, 1934, the SA degenerated to insignificance. The influence of the Staff Chief on party government had disappeared.

Q And how about the Staff Chief to the Leadership Corps of the SA? Were the latter notified of everything that was intended and which was planned, were they advised of those matters?

A At the Fuehrer rallies, and in the various courses in the SA school, the Staff Chief constantly advised their Leader

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Corps about the fore-aim tasks, and especially the educational tasks of the SA. At the Leader rallies there was an open discussion

Q And how would you judge the Leadership Corps before and after the death of Roehm?

A I know the leadership of the SA and its aim, and specially the higher SA leaders. I know them very well. Far be it from me to give it a false color. A small fragment of SA leadership who proved that they wanted to be mightier objects were eliminated. Even those SA leaders during the last World War had shown themselves to be brave soldiers, and later had been members of the Free Corps under the government of Ebert Noske and achieved certain merits. Their attitude and their manner of life, however, contradicted the principals of the SA; therefore, they had to leave. But apart from that, the mass of the SA Leadership Corps were decent and clean, and they were perfect in their conception of justice and duty.

Q Tell us about the Professional Leadership Corps?

A Common of the leaders who received pay, the Obergruppenfuehrer and the Gruppenfuehrer, of that group, I know their development, that is, the origin, their manner of life and their political and ethical position. Quite apart from the incidental few who have left, these SA leaders were without blame. Not a one of them had been punished, not one of them was one who had left before they were taken into the Leadership Corps of the SA. With their pay, they had lead such a life that it was modest and proper, and to compare them with compensurate officials, representatives of economy, their pay was very small. And all other sources of income were chalked up to their record. There were no men in the SA who had more than one source of income; not one could enrich himself personally because of his position, and he could make a splurge into society who had means of his own. And the Gruppenfuehrer

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and the Obergruppenfuehrer who in 1939 were active in the SA leadership or among the SA group, more than half of them lost their lives in the war. They gave their life in the belief and for fighting for a just cause. They were patriots, and they did not commit any injustice or barbarous act. And even today, I admit having belonged to a decent Leadership Corps, and I will speak that even today.

Q Were you paid for this work?

A Up until 1933 there were no SA leaderships who worked for pay. Only the Fuehrers of the so-called Untergruppen, the lower Gruppen in each Gau received a certain remuneration of perhaps Three Hundred marks a month. After 1933 a table of remunerations was established. In 1940 there was a small increase in pay. The highest basic salary for an Obergruppenfuehrer was Twelve Hundred Marks a month. Beginning with the Scharfuehrer up to the Obersturmfuehrer inclusively, all SA leaders, with the exception of the auxiliary personnel, were honorary members of the entire Fuehrer Corps. Roughly, two percent were paid and that included those who held this position as secondary.

Q What was the division of the SA Leadership Corps?

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A In the SA we differentiated between S** leaders, S A administration leaders, and S** sanitation leaders. The SA leaders comprised the leadership staff and they headed the units. The SA administration leaders concerned themselves with the budget, with money matters. Together with the leaders of the administration of the other formations and of the Party, they comprised a special leadership body and had to follow the directives of the Reich Treasurer. The medical leaders were physicians and druggists; they were charged with the health of the SA.

Administrative, as well as medical leaders, had no influence whatsoever on the leadership of the S**, and they had no right to have any.

Aside from the SA leadership, the SA had leaders for special purposes, the so-called ZV leaders and honorary leaders, some of which are among the main defendants here.

Q Is not one of the main defendants an honorary leader?

A Yes, I believe several of them are. Honorary leaders were Messrs. Goering, Frank, Sauckel, von Schirach, Streicher, and, to my knowledge, perhaps Hess and Bormann.

I might add in this connection that the honorary leaders were not at all informed about the business affairs of the SA. They had neither the opportunity nor the authority to influence training, leadership, or use of the S**. They solely had the right to wear the SA uniform and, when it came to meetings and festivities, to march in the ranks of the SA leadership and take their positions there. Even Hermann Goering -- who in the year 1923 headed the SA temporarily, at a time when it comprised but a few thousand men--did not have any influence on the SA after that time, nor did he even have the time to do that. His nomination as chief of the unit Feldherrnhalle was only a nominal honor.

Just as in the days of the Kaiser, military leaders of merit or members -- even feminine members -- of reigning houses received the same distinction.

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Mr. Frank was made leader of the SA by the Staff Chief Lutze, for the General Government. And that, as well, was and remained only an external honor, or rather, only a nominal one, because the leadership itself was carried out by a special leadership staff under Brigade Leader Polz, and later Pluenemund. He did not receive any orders concerning the leadership of the SA in that region from the staff chief; orders like that went to the ZV leadership staff that I have mentioned, and that, in turn, was responsible for the higher SA leadership.

These leaders that I have mentioned could temporarily be called in for special tasks of service, but only if they were ready to do so. They were consulting services, for example on legal and social questions.

Q Of what types of people in general was the SA comprised?

A From the beginning, the SA was made up of former soldiers of the first World War, that is, soldiers and young idealists who loved their country above all. The SA was not, as the witness Gisevius asserted, a criminal or gangster organization, or a mob of gangsters; rather, as Lewis Sinclair allegedly wrote, theywere pure idealists. Many clergymen who carried out their office, many students of theology, belonged to the SA as active members or part-time members up until the very end.

Each and every SA man isin a position to confirm that never at any time were criminal actions demanded of him, and that the SA never pursued criminal aims.

Q Are you in a position to give us figures with respect to those members of the SAwho came into conflict with existing laws?

A In the internment camp where thousands of former SA members from all parts of the Reich were interned, partial lists were kept and investigations were started with the result that it wasnot possible to judge generally about the SA. However, in this connection it was found that of the SA men interned, not even one percent -- that is, .65 percent -- had been punished as criminals before. As opposed to that, the Reich Bureau of Statistics gave out a figure of 1.67 of those who had been punished as criminals before.

Q How canyou explain then, that in the years 1933 and 1934, for example, excesses and abuses were committed by members of the SA such as are asserted in the Indictment?

A These excesses cannot and should not be apologized for. They are excesses such as occur in every revolutionary movement, for example, such as the German revolution in '18, or similar incidents in the past in other countries. These excesses were revolutionary actions committed by political fighters who were not satisfied.

Q Aren't there also other explanations for these excesses?

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A You can list the whole [illegible]ies of circumstances. One would not excuse such excesses, but perhaps might explain them. For example, point 1:

Before 1933, especially under the government of Schleicher, the police took especially strong measures, and one-sided measures, against the SA. The result was a distrust of the police. It happened in theyear 1933 riots and civil war threatened in the interior of the country. It is quite understandable, even if you cannot excuse the fact, that some would try to place themselves in the position of the police, which was considered unreliable, and would consider themselves called upon tb protect the State, and in that way would let themselves be plunged into excesses.

Point 2:

Before 1933 there was a tremendous incitement of hate against the SA. Almost all other political parties participated in this campaign of hate. There were invitations for activities, posters with the slogan, "Beat the Fascists where you find them", "Down with the SA", chicaneries committed toward SA members at their places of work, oppression of the children of SA members at school, boycotts of businesses whose owners were SA members, attacks on individual SA men and on members of the Steel Helmet, and so on. For example, in my home district of Halle, at that time, 43 dead were mourned, members of the Steel Helmet and SA men.

All of these circumstances brought about a certain anger which was understandable and so people thought they could square the old accounts as far as political opponents were concerned after 1933.

The third circumstances which led to the excesses, I should like to list that after '33 a mass overrunning to the SA took place. The investigation of the de of the individual of course suffered perforce and, as can be proved, dark elements and provocateurs sneaked in with the intention of damaging the reputation of the SA. The excesses, therefore, were not just the final note of the political conflict before 1933 but rather, in many cases, they were committed by just such provocateurs. The organization, as such, did not accrue any guilt. It kept its distance from the evil doers, and the leadership objected to these evil doings when they were advised of it.

Q Can you tell us, what did the SA leadership do in order to prevent these excesses as occurred in the year 1933?

A The SA leadership first of all, in Prussia, beginning with the prussian Minister for the Interior and his deputies, constantly worked together so that excesses like that could be prevented. Staff Chief Roehm selected people for the auxiliary and selected men from the SA for the Feldjaeger Corps, which was established in Prussia and which proved itself. Secondly, the SA leadership, in order to gain confidence, participated and worked in the cleaning of its own ra of provocateurs with the police and auxiliary police; mediocre people were at the same time removed from the SA. Anyone who was proved guilty of any excesses was punished. The SA leadership of its own accord further set up an SA Patrol Service so that the attitude of its men and the deportment of its men in the streets and in public life could be watched. And finally, it was always the main care of the SA leadership to have the many unemployed put to work, to have them taken away from the streets and put in commensurate professions, and for that reason the numerous social measures of the SA leadership were directed toward the many institutions for professional reconversion, the many settlements and similar works.

Q Was the number of the excesses that took place, such as were committed by SA members, was that a large number?

A In comparison with the strength of the SA, these misdeeds that were ascertained were infinitesmally small, and in addition to that, another point should

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not be forgotten. In all of these excesses the SA was always accused, for at t time everyone in a brown shirt was characterized as an SA man, regardless of w her he was a member of the SA or not. Through that, perforce, in world opinion a distorted picture of the SA must have arisen; prejudices were bound to arise of course, to the detriment of the SA. Th SA was blamed for many excesses where SA members were not participating at all.

Q Do you know that steps were taken so that proceedings before the State courts would be undertaken to squash excesses on the part of SA members?

A As far as I know, steps like that to squash legal proceedings were not undertaken. In periods of general amnesty the SA leadership naturally demanded the pardoning of its own members.

Q After the action against the Jews in November of 1938, the highest Party court tried to use influence on behalf of SA membership who had participated in the shooting of Jews. Do you know about this request?

A I do not know this request. Here in my internment I heard about it howev

Q And was your position in line with this request?

A If I remember the contents quite clearly, the highest Party court demande that first of all the man who was responsible for this action be called to accoun

Q Do you consider this attitude of the highest Party court correct?

A This demand is taken quite from my heart. It is to be regretted that the highest Party court could not make its will prevail. A demand that men who had sho others should go scot free and would not be sentenced by regular courts is not to be justified under any conditions.

Q Was a demand like that ever made by the SA leadership or by members of the SA at all?

A The guiding princi le of the SA leadership, and especially in actions like this in November of 1938, was that those who had been found to be guilty be punish ed, not only on behalf of the SA but also through the regular courts. As far as th Staff Chief Lutze received knowledge of cases like that, to my knowledge, he tried to do the necessary thing. In the SA we had an agreement with the judicial auth ties that if an SA man committed a misdeed and was to be brought before a court, the SA leadership would be notified so that it could suspend this man from service at once and, as the case might be, could prohibit him from wearing the SA uniform,

and, in the last analysis, to punish him on its own initiative. This principle was applied in the action of November, 1938 by Staff Chief Lutze.

Q What was the opinion and the attitude of the SA on the Jewish question?

A The SA was of the opinion and demanded that the influence of the Jews in the life of the State, in economic and commercial matters, be commensurate with their minority in Germany and be limited in accord with that. It acted on the basis of the Numerous Clausus.

Q And what was the reason for this demand or this attitude?

A This demand, which was not unique to the SA really, arose in Germany only in that after the WAr, 1919, a number of Jewish people emmigrated from Poland to Germany and entered into the economic and other spheres of life in an undesirab manner and by profiteering. It is well known through large judicial proceedings that these disintegrating influence caused ill-will and a movement contrary to i Even the Jews who had lived in Germany for a long time and societies of German citizens of the Jewish faith defined their positions against these forces and, i part, they took a very sharp position. From these facts you can understand the demand of the SA.

Q Did the SA incite active violence against the Jews?

A No, in no way. Staff Chiefs Roehm, Lutze, Scheppmann, at no time did they make the Jewish question the topic of their speeches or their directives; you ca not talk of any incitment against them. The concept of a master race was never fostered in the SA; that would have been quite contrary to reason, for the SA received its replacements from all trata. The extermination of a people because of its type was never a cause for which the SA held any brief, and actions of viole against Jews was not favored by the SA. Quite the contrary. The leadership alway objected most strongly to actions of that kind.

THE PRESIDENT: Perhaps that will be a convenient time to break off. How long do you think you are going to be with this witness?

DR. BOEHM: Mr. President, I believe I will need another hour to interrogate the witness, perhaps an hour and a half to examine him.

THE PRESIDENT: The Tribunal will adjourn.

(The Tribunal adjourned until 14 August 1946, at 1000 hours.)

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